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HOUSE OF COMMONS  
DEBATES

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FIFTH SESSION—FIRST PARLIAMENT  
35 VICTORIA

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VOLUME V

COMPRISING THE PERIOD  
FROM THE ELEVENTH DAY OF APRIL, 1872  
TO THE FOURTEENTH DAY OF JUNE, 1872

SPEAKER: THE HON. JAMES COCKBURN







HOUSE OF COMMONS  
DEBATES

THIRTIETH PARLIAMENT  
FIRST SESSION

NOVEMBER 1986

COMMITTEE OF THE WHOLE  
HOUSE OF COMMONS  
DEBATES

OFFICIAL REPORT

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## Foreword

Following Confederation in 1867, the House of Commons kept no official record of its debates until 1875. Speeches of members were reported extensively in the newspapers of the time, but the House lacked a full and authoritative account of its deliberations.

As a project to mark the Centennial of Canada's Confederation, the Parliamentary Librarian, Erik Spicer, with the support of the Speaker of the House, the Honourable Roland Michener, decided to commission an account that would reconstitute the debates for the missing years. It would draw primarily upon newspaper reports of the day and would be as definitive as possible. The *House of Commons Debates 1872* is the fifth volume in the series to be published.

In 1872, the young Dominion of Canada was vibrant and optimistic – marked by economic development and increasing political self-confidence. It was a time when, as Sir John A. Macdonald put it, the gristle of Confederation would harden into bone. Trade issues were hotly debated, with parliamentarians concerned that the provisions of the Treaty of Washington dealing with shared fisheries and access to the St. Lawrence River unduly favoured American interests and circumvented Canadian sovereignty. Another topic of debate was enabling legislation to finish construction of the transcontinental railway, linking the new provinces of British Columbia and Manitoba with the rest of Canada. In the course of its deliberations, Parliament found that federal plans for development of the country sometimes clashed with provincial priorities. Dual representation, which permitted Ontario and Quebec members of Parliament to sit in provincial legislatures concurrently, provoked strong controversy during the session. These were some of the issues that occupied the House of Commons during the 1872 session, and are in turn reflected in the Debates.

I would like to commend the Parliamentary Librarian, Dr. William Young, for overseeing this important project. The publication of this volume is another step in completing the history of Canada's parliamentary record.

Great thanks are also due to the editor of this volume, Dr. David Farr, for his fine work; and to the small army of historians, librarians, translators, transcribers, editors and parliamentary staff, who should take pride in having so painstakingly recreated this account of the debates of the House of Commons for 1872.

Hon. Peter Milliken, M.P.  
Speaker of the House of Commons  
Ottawa, 2009







## Preface

It is a pleasure to mark the publication of this fifth volume of the reconstituted debates of the House of Commons. As with its companion volumes covering the parliamentary sessions for the years 1867 to 1871, the *House of Commons Debates* 1872 have been reconstructed by drawing upon contemporary newspaper reports in the absence of an official record. The impetus for the series came from former Parliamentary Librarian, Erik Spicer. The first volume, covering the debates for 1867–68, was completed with his guidance and support, and was published in 1967 to mark Canada's Centennial.

Before 1875, speeches delivered in the House of Commons were reported in the major newspapers of the day, notably the *Ottawa Times* and the *Toronto Globe*. The Library of Parliament clipped these reports and pasted them into scrapbooks; these became known as the "Scrapbook Debates." Together with the "Cotton Debates" – an unofficial condensed version of the year's debates produced by the editor of the *Times*, James Cotton, these provided most of the source material for the present volume.

The publication of the 1872 Debates marks significant progress in the overall project as envisaged by Erik Spicer. *Hansard*, the official, verbatim reporting of the House of Commons debates, began in 1875, so there remain two more years to be covered. Dr. David Farr's careful editorship is warmly appreciated. His Introduction, written in 1991, provides insight into the political sensibilities of Canada's first parliamentarians as well as an entertaining account of the issues of the time.

Throughout this project, the Library of Parliament has been fortunate to have engaged a number of distinguished scholars. Dr. Peter Waite of Dalhousie University, a well-known historian of the Confederation period, compiled three volumes covering the first three sessions of the First Parliament (1867–68, 1869 and 1870). He was succeeded by Dr. Norman Ward of the University of Saskatchewan, a leading scholar of parliamentary history, who undertook the editing of the 1871 volume. Sadly, Dr. Ward passed away before he could complete it, and Pamela Hardisty, former Assistant Parliamentary Librarian, completed the project.

As Parliamentary Librarian, I am pleased to have helped bring this publication to fruition, with the support and encouragement of the Speaker of the House of Commons, the Honourable Peter Milliken.

I would like to thank the many staff of the Library of Parliament who contributed to the compilation of this volume – in particular, Michael Graham and Cynthia Hubbertz who, assisted by Teresa Ray, kept the project on course; and Louis Brillant, whose research was crucial to the project. I would also like to commend the fine team at the House of Commons Parliamentary Publications Service, whose continuing practical support and expert assistance was invaluable.

William R. Young  
Parliamentary Librarian  
Ottawa, 2009





## Introduction

For the first years after Confederation, the only accounts of the debates in the Dominion House of Commons are those provided by private reporters for their newspapers. It was not until the session of 1875, in the Third Parliament, that official reports of the debates were commissioned. The Senate, perhaps because it believed it was being overlooked, began official reporting earlier, in 1871. The reporters and their editors responsible for covering the early debates of the House of Commons were frankly partisan in their approach to the task. George Brown, the editor of the influential Toronto *Globe* and a prominent figure in the politics of the period, described the result of partisan reporting:

“Of course, in the papers, the leading speakers are most fully reported. The others have a smaller space given to them, and of them those of the men in the opposite side in politics to the editor of the paper in which the speeches are reported are given in the most contracted form.”<sup>1</sup>

In addition to the selective reporting, the attention given to parliamentary debates varied widely across the new Dominion. For the most part, newspapers ignored the debates, although occasionally giving some attention to a speech of a local member. A survey carried out by the Library of Parliament found that this was the case for newspapers in Nova Scotia and New Brunswick and for most papers in Ontario. Quebec newspapers were similarly indifferent to the debates in Ottawa. There was little French used in the early House of Commons. Reporters were generally English-speaking and there was, of course, no simultaneous translation available. Even when members addressed the House in French, the papers in French-speaking Canada frequently failed to take notice. There are, however, two notable exceptions to the thin newspaper coverage of early parliamentary debates. They are the *Ottawa Times* (1865–1877) and the *Toronto Globe*.

The *Times*, which seems to have been an offshoot of the Quebec *Morning Chronicle*, launched itself in Ottawa on 18 December 1865, in time to report the first sitting of the Parliament of the Province of Canada the following year. It announced that it would make a serious attempt to record the debates. It is likely that the managing directors, George Cotton in 1867 and James Cotton from 1870 to 1873, hoped to secure a government contract to report the proceedings of the new Dominion Parliament. Its point of view as a newspaper, the *Times* stated, would be “uncompromisingly Conservative” and progressive. James Cotton made it clear on a public occasion that the *Times* would be “like its English namesake, always for the government in power.”<sup>2</sup>

Cotton went ahead and published a shortened unofficial version of the Commons debates for the third and fourth sessions of the First Parliament, 1870 and 1871. These reports, based on the accounts in the *Times*, were intended for the use of members of Parliament. Cotton had issued them at his own expense after a proposal to have a report prepared under the supervision of a committee of the House had been turned down in 1871. The subject came up in the fifth session, on 13 June 1872, the day before the formal end of the First Parliament. The Prime Minister, Sir John A. Macdonald, rose to announce that he had received “a round robin” signed by 130 members requesting that the House purchase the two volumes of the “Cotton Debates,” two copies to be given

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<sup>1</sup> George Brown, Legislative Assembly of the Province of Canada, 5 March 1858, quoted in David B. Knight, *A Capital for Canada: Conflict and Compromise in the Nineteenth Century*, University of Chicago, Department of Geography, Research Paper 182, 1977, p. 317.

<sup>2</sup> Quoted in R.U. Mahaffy, “Ottawa Journalism 1860 to 1870,” in *Ontario History*, Vol. XLII No. 4 (October 1950), p. 210.

to each member. Alexander Mackenzie, who was to form the country's first Liberal administration in 1873, opposed the government's motion, claiming that the proposal had already been rejected by the House and that Cotton's reports were "partisan." Dr. Charles Tupper, from Nova Scotia and President of the Privy Council, defended the quality of Cotton's debates, stating that there was a strong need for a permanent record of the House's deliberations. The discussion continued "at some length" until a sparsely attended House approved Macdonald's motion, 41 to 5. Six hundred copies of the Cotton Debates were subsequently purchased. Although shorter than the account found in the *Times*, they are occasionally useful for confirming ambiguous texts in the newspaper account, or identifying speakers.

Cotton's reporting of the debates did not continue for long. In 1873, when the government of Sir John A. Macdonald fell, the newspaper quickly changed ownership and began to support the Reform or Liberal party that then took office. It did not receive the *Hansard* contract when it was awarded in 1875, and two years later the *Ottawa Times* ceased publication.<sup>3</sup>

The *Toronto Globe* offered an alternative source for an account of the debates. Its version was, of course, more to the taste of the Ontario voters who supported George Brown and the Grit or Reform party. Its reports were generally not as full as those of the *Times*, but they tended to be livelier. The *Globe's* readership resided in the populous districts around Toronto and westward to the American border. In 1872 it enjoyed a circulation higher than any other newspaper in the new Dominion.<sup>4</sup> Edward Blake and Alexander Mackenzie, the leaders of the opposition in Parliament in 1872, received full attention in its columns. Sir John A. Macdonald and his Conservative colleagues were given more cavalier treatment.

Students of early post-Confederation Canada have relied on the accounts of the debates found in the *Times* and the *Globe*. During these years, the Library of Parliament regularly pasted the accounts of the two newspapers into large scrapbooks, informally referred to as the "Scrapbook Debates." Until recently, these large and fragile volumes, their pages brittle and yellow with age, have served along with the official Journals printed by order of the House of Commons as the indispensable references for the proceedings of the early Parliament of Canada. The scrapbooks have been microfilmed to give their contents a more durable form.

As a project to mark the 1967 Centennial of Canada's Confederation, Erik J. Spicer, the Parliamentary Librarian, decided to commission an account, as definitive as possible, of the early debates of the Dominion Parliament. It would be drawn largely from the reports of the *Times* and the *Globe*. The task of preparing an authoritative version of the early debates was entrusted to the well-known historian of the Confederation period, Dr. Peter B. Waite of Dalhousie University. Over the next several years Dr. Waite compiled three volumes of the debates of the First Parliament: the First Session (1867–1868) published in 1967; the Second Session (1869) published in 1975; and the Third Session (1870) published in 1979. More recently, the late Dr. Norman Ward of the University of Saskatchewan, a foremost student of the workings of Parliament and an early advocate of bringing out a new edition of the debates, completed a text for a fourth volume, that for the 1871 session. The text that is reproduced here, for the 1872 session of the Commons, represents the fifth volume in the series.

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<sup>3</sup> Canadian Library Association, *News Notes, Microfilm Project*, Vol. 4 (December 1965).

<sup>4</sup> This statement appears on the second page of the 2 January 1872 edition of the *Globe*: "The subscribers for the Daily and Weekly editions of The Globe include so vast a proportion of the English-speaking population as to make its circulation all but universal throughout the Dominion."



For the most part, the editor of this account has followed the useful guidelines laid down by Peter Waite when he began the project in the 1960s. There are no overt editorial interventions in the text, although the spelling of members' names has been corrected. The private reporters were often careless in identifying members with similar surnames; every effort has been made to be precise on this point. The reporters were often hearing geographical place names for the first time. Spellings of places are therefore erratic: they have been corrected by giving them their modern form. Occasionally a word, a phrase or a number wrongly reported by the journalist covering the debate has been replaced by a more likely one.

The reports of the *Times* have been used as the principal basis for the text since its accounts are fuller, and therefore less selective, than those in the *Globe*. *Globe* reports, according to Professor Waite, averaged about one third the length of the original speech, whereas the *Times* reports were closer to being verbatim accounts. Since the *Globe* tended to give more space to the contributions of the leading spokesmen of the opposition, its account has frequently been drawn upon for these speeches. Where accounts are of comparable length, the editor has followed Peter Waite's example and chosen "the most literate and salty version."<sup>5</sup>

In some instances, sections of reports from the two newspapers have been combined to give a more comprehensible account of a speech. Notwithstanding the manner in which the debates for 1872 have been compiled, the reader should keep in mind that the legislative reports of the *Times* and the *Globe* are undoubtedly incomplete and uneven in their coverage of Commons discussions. Reporters, just as members, could be inattentive and bored as debate droned on. The selection here presented is not a definitive account of the 1872 session since that can never be reconstructed. It is, however, the result of an honest attempt to be as fair and comprehensive as possible.

A brief note on some editorial points. Some members of Parliament are designated "honourable," others are not. Members given this designation come from three categories: individuals who were sitting or past members of the Privy Council (the federal Cabinet); members who had been appointed to executive councils (cabinets) in the British North American colonies before 1867; and individuals, such as Edward Blake, Alexander Mackenzie and Pierre-Joseph-Olivier Chauveau, who were simultaneously members of Parliament and ministers in provincial cabinets.

The formal Address in Reply to the Speech from the Throne is not reproduced in this edition of the 1872 debates. It can be consulted, by those with a taste for Victorian rhetoric, in the *Journals of the House of Commons* for 13 April 1872, pages 11–13. The fourteen numbered resolutions upon which the Address is based are printed just before, pages 9–11.

*An Act respecting the Canadian Pacific Railway*<sup>6</sup> was one of the principal pieces of legislation of the 1872 session. Eight resolutions on which the major purposes of the Act were based, were presented to the House of Commons on 21 May. They are quoted in the Journals for that day (pages 144–146) and reproduced in the text of the debates. These resolutions, and eleven others whose original texts are not given in the Journals or the debates, were the subject of intensive discussion throughout the rest of the session. In their amended form, they became the nineteen sections of the *Canadian Pacific Railway Act*. They were taken up *seriatim* in the Commons and were arranged in the same manner in the Act.

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<sup>5</sup> P.B. Waite. *House of Commons Debates. 1867–1868*, Introduction.

<sup>6</sup> *Canadian Pacific Railway Act* (35 Vict., Cap.71).

By law, the House of Commons was to consist of 191 members for the session of 1872. In fact, because Manitoba was under-represented, only 190 members were present in the chamber for the session. Most members had been elected in the first election after Confederation, held over six weeks between August and September 1867, but a few had entered the House through later by-elections.<sup>7</sup>

Members of the two new provinces in the West took a modest part in the 1872 session. Manitoba, admitted on 15 July 1870, had been assigned four members. Three of them participated in the 1872 session; the fourth seat was vacant because of the problem created by a "double return." British Columbia, entering Confederation on 20 July 1871, had been allotted six members, four of whom were subsequently chosen by acclamation. Elections on 13 and 15 December selected the two additional members and all six British Columbia representatives took their seats for the first time in the 1872 session. Among the original provinces of Confederation, Ontario had the largest representation with 82 members, compared to Quebec's 65 (a number fixed in the British North America Act) Nova Scotia's 19 and New Brunswick's 15.

The Manitoba "double return" illustrated the inadequacies of the new Dominion's electoral legislation. In the first federal elections in Manitoba, held on 2 and 3 March 1871, the riding of Marquette, west of Fort Garry, had returned two candidates. Angus C. McKay, a Conservative, received the same number of votes, 282, as his Liberal opponent, Dr. James S. Lynch. Both men journeyed to Ottawa, swore the oath to enter Parliament, signed the roll and took their seats in the chamber, after which they immediately withdrew. Their actions followed the procedure laid down for dealing with controverted elections: all members "returned upon double returns (are) to withdraw until their returns are determined." The cases of the would-be Manitoba members were turned over to the House of Commons Committee on Privileges and Elections, which in May decided to give the candidates six weeks to submit lists of voters whose names they questioned. The Committee then adjourned until this was done. Before the period was over, the Commons had prorogued. Thus, the Marquette seat was not occupied during the 1872 session, giving Manitoba only three sitting members. Neither McKay nor Lynch contested the 1872 election. The seat for Marquette was finally filled by a third candidate who took his seat in the Second Parliament.<sup>8</sup>

National political parties did not exist in the parliamentary session of 1872. Instead, the membership of the House of Commons was characterized by "loose coalitions" which had not yet merged into cohesive parties.<sup>9</sup>

The dominant coalition was led by Sir John A. Macdonald, a grouping later to be identified as the Liberal-Conservative (Conservative) Party. It represented a continuation of the coalition Macdonald had put together to achieve the union of the colonies in 1867. At its core was his personal alliance with Sir George-Étienne Cartier, a partnership created as early as 1854 to control the unruly politics of the old Province of Canada. Macdonald's bloc included Conservatives from Canada West, many

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<sup>7</sup> The physical conditions of the early House of Commons, its "tremendous vitality" as a legislative body and the "un-business-like nature of (its) public business" are well captured in an article by Norman Ward, "The Formative Years of the House of Commons, 1867-1891," in *The Canadian Journal of Economics and Political Science*, XVIII Number 4 (November 1952), pp. 431-451.

<sup>8</sup> The *Dominion Elections Act*, 1874 (37 Vict., Cap. 9) gave the returning officer the right to cast a deciding vote when "an equality of votes" occurs in an election.

<sup>9</sup> Escott M. Reid, "The Rise of National Parties in Canada," in Hugh G. Thorburn (ed.), *Party Politics in Canada* (Scarborough, sec. ed., 1967), p. 22.



of them descendants of the United Empire Loyalists or supporters of the Orange Order; moderate Reformers from Canada West who had once followed Robert Baldwin; a majority of the French-speaking inhabitants of Quebec, at this time strongly influenced in their political views by the Roman Catholic Church; and Montreal commercial interests whose spokesman in 1872 was Sir Alexander T. Galt.

Macdonald's grand coalition was carried to the provincial level in Quebec and Ontario. Quebec's first administration after 1867 was led by a Conservative, Pierre-Joseph-Olivier Chauveau. The practice of dual representation allowed Chauveau and three of this cabinet to sit in the federal House where they were able to co-operate with Macdonald. In Ontario, Macdonald had secured the appointment of an independent Reformer, John Sandfield Macdonald of Cornwall, as Ontario's first premier. Sandfield Macdonald's original cabinet was another coalition comprising himself, two Conservatives and two Reformers. The Premier sat in the Commons, as did two of his ministers, John Carling and Edmund Burke (E.B.) Wood. It was not surprising that the leading opposition newspaper in Ontario, the *Toronto Globe*, declared that the Sandfield Macdonald administration would be "run" by the other Macdonald government in Ottawa.

From the Maritime provinces the Macdonald coalition gained some support, not for its leader nor its ambitions as a political party but for the fact that it carried forward the project of Confederation. Most of the candidates from New Brunswick in the 1867 election were in favour of union; in the following years some of them committed themselves more closely to Macdonald and his coalition. But in 1872 they constituted ministerialist rather than loyal Macdonald Conservatives. From Nova Scotia, the 1867 election had returned 18 anti-unionists and one supporter of Confederation, Charles Tupper. Macdonald attracted Joseph Howe into his government in 1869 and Howe's followers became a sectional bloc inside the larger grouping. Yet even in the 1872 election, members from the Maritime provinces showed a marked detachment from the party ties that were forming in Central Canada.

The opposition to Macdonald and his allies was represented by another, weaker coalition. It had two wings: the Clear Grit or Reform party of Canada West, and the *Parti Rouge* or Radical group from Quebec. The Reformers spoke for the democratic attitudes of the agrarian frontier and for the belief that representative institutions should be based on population. They were suspicious of large economic interests such as the railways and sceptical of the intervening hand of government. Their partners from Quebec, the Rouge group, tended to be anti-clerical, a position that weakened their standing with the Quebec electorate at this time. Uniting the opposition forces in Ontario and Quebec was a strongly held belief that Macdonald's coalition government was simply a device to hold on to power. It weakened the ability of regions to control their local affairs and undermined the federal principle, the basis of the new union. Thus the opposition elements placed a strong emphasis on provincial rights. The resulting tension between the evolving authority of the central government and the rights of the provinces became an underlying theme in the First Parliament.

Leadership among those opposed to Macdonald constituted a serious problem after 1867. George Brown, the editor of the powerful *Globe*, had stormed out of Macdonald's Confederation coalition in 1865. Although he had rallied the Reformers of Ontario against Macdonald in the first Dominion election, he had been personally defeated in his attempt to enter Parliament. Thus the leadership of the Reform-Radical coalition passed to a small group of sitting members from Ontario and Quebec. The Quebec members of this group believed that the opposition leader should come from Ontario, the source of the largest bloc of members opposing Macdonald. There were two possibilities for the post: Edward Blake and Alexander Mackenzie. The question of the opposition leadership could not be immediately settled, for Blake and Mackenzie undertook a brief foray into Ontario politics in

1871–1872 in order to defeat Sandfield Macdonald and establish a Liberal government in Toronto. Following the abolition of dual representation, they recommitted themselves to federal politics and, in March 1873, Mackenzie reluctantly accepted the post as leader of the opposition. Thus the national Liberal party was born, although its representation in the Maritime provinces was limited until probably 1878.

In the new western provinces of Manitoba and British Columbia, the party labels of Central Canada meant little. The objective of political effort was the building of the Canadian Pacific Railway. "Until the railway was completed the west could not afford the luxury of party politics."<sup>10</sup>

Thus, western members of Parliament were ministerialist, in opposition to the opposition in the years before 1873. They might call themselves Conservatives or Liberals, but on the need to press forward with the Canadian Pacific Railway they were of one mind. It was not until the completion of the railway, Escott Reid suggests, that the partisan attachments of Eastern Canada began to make converts in the West.

The rise of a national party in opposition to Macdonald's coalition was hampered by the electoral methods of the early post-Confederation years. Voting was spread over many weeks, a legacy of the poor communications of earlier days.<sup>11</sup>

Ontario moved to polling on a single day through its election law of 1868. The Dominion statute came in 1874 after the Liberals took office in Ottawa.<sup>12</sup> The Act also prescribed the use of the secret ballot. It came into force on 1 July 1874 but was not effective until the general election of 1878. This was the first general election in Canada's history to use the secret ballot and to be held on the same day in the country's Eastern provinces. The election was held at later dates in the Western provinces.

By the 1878 election, party affiliations were more distinct. Members were being elected and re-elected on the knowledge of their loyalty to a particular party or leader. The party composition of the House of Commons could be ascertained after the ballots were counted in a general election rather than after the first division in a new session. After the 1872 election, the *Toronto Globe* and the *Montreal Gazette* had disputed the party affiliations of 35 newly elected members; after the 1878 contest they disagreed on the standing of only five members.

For the 1872 House of Commons, therefore, party affiliations are doubtful or difficult to determine in many cases. A careful estimate of the 82 Ontario seats produces 46 faithful supporters of the Macdonald government, 30 members opposed and six whose party affiliations were unreliable or in the process of change. A leading example in the last category is Richard Cartwright, elected as a Macdonald supporter for Lennox, Ontario, in 1867, displeased with Macdonald's selection of Sir Francis Hincks as finance minister in 1869, and steadily moving away from the Conservatives thereafter. Cartwright called himself an "Independent Conservative" and did not formally break with the party until the Pacific Scandal charges were raised in 1873. Quebec's 65 seats gave Macdonald 46 supporters, with 18 members in opposition and at least one independent who described himself as a Nationalist. By 1872, through Tupper's and Howe's efforts, the supporters of Confederation from Nova Scotia had risen to six members, with 12 still opposed to union and one

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<sup>10</sup> Escott M. Reid, "The Rise of National Political Parties in Canada," p. 21.

<sup>11</sup> The first Dominion election was held between 7 August and 21 September 1867; the second between 20 July and 3 September 1872. (Robert MacGregor Dawson, *The Government of Canada* (Toronto, sec. ed. rev., 1956) p. 380, gives 12 October as the closing date of the 1872 election.)

<sup>12</sup> *Dominion Elections Act, 1874* (37 Vict., Cap. 9).



independent. New Brunswick registered four government supporters and 11 in opposition. Manitoba's three seats were filled by two Conservatives and Donald A. Smith, an Independent Conservative. British Columbia's six seats were supposedly shared between the two groupings, but on divisions in 1872 the Macdonald ministry was almost always upheld by the members from the Pacific province.<sup>13</sup>

Thus, the 190 sitting members of the Commons in 1872 were distributed as follows:<sup>14</sup>

John A. Macdonald supporters (Liberal-Conservative party)	107
Opposition (Followers of George Brown and others in opposition)	74
Independents	9

Of the 181 members elected to the House of Commons in 1867, a remarkably large number, 46, were acclaimed. Most of these members (20 were from Quebec) supported Macdonald's coalition government, but 17 were on the opposition benches. Acclamation for federal seats continued strongly until the 1880s, when the practice began to decline. The need to provide representatives for an additional legislative level after 1867 may have led to a scarcity of appropriate candidates.

In 1872, 29 of the 190 members of the House of Commons occupied seats in other legislatures. Quebec had the largest group of members holding two seats: 14 in the Legislative Assembly and four in the appointed Legislative Council. The Quebec group included Pierre-Joseph-Olivier Chauveau, Premier, Provincial Secretary and Minister of Education for Quebec from July 1867 to February 1873. His Solicitor General, George Irvine, also sat in the Commons. Two other members of Chauveau's administration sat in the Quebec Legislative Council while also being members of the House of Commons. Other well-known federal members who sat in the Legislature of Quebec were Luther H. Holton, Henri-Gustave Joly de Lotbinière and Télesphore Fournier. Most unusual of all was the position of Hector-Louis Langevin, who was continuously a member of Macdonald's cabinet from 1867 to 1873 while at the same time holding a seat in the Quebec Assembly for Dorchester County.

Ontario had eight members who were also in the Legislative Assembly in 1872. John Sandfield Macdonald, Premier of the province, was a member of both houses until his death on 1 June 1872. His treasurer, Edmund Burke (E.B.) Wood, was also a member at Queen's Park and in Ottawa. Their successors, Edward Blake and Alexander Mackenzie, sat in both houses until the general election of 1872. There were two members of the Assembly of Manitoba in the Dominion Parliament in 1872: Pierre Delorme and Donald A. Smith. Amor De Cosmos, the colourful British Columbia politician, was a member for the federal and provincial houses in 1872. He was to

<sup>13</sup> Escott M. Reid, "The Rise of National Political Parties in Canada," p. 20.

<sup>14</sup> These estimates are based on information contained in J.K. Johnson (ed.), *The Canadian Directory of Parliament, 1867-1967*, Ottawa, 1968, which identifies the predominant political affiliation of parliamentarians based on the record of their entire careers. It may not be always reliable, therefore, for party ties in the session of 1872. There have been two careful studies of the party loyalties of early federal members from Ontario. One discusses affiliations following the first Dominion election in 1867: Margaret Helen Small, "A Study of the Dominion and the Provincial Election of 1867 in Ontario," M.A. Thesis, Queen's University, 1968. Another, by Donald Swainson (Ph.D. Thesis, University of Toronto, 1968), gives 108 government supporters and 73 opposition members elected in the first federal election from the four original provinces.

become the second premier of the province in December after having been re-elected to his House of Commons seat.

Dual representation had been permitted in Ontario and Quebec since 1867. It represented a contentious issue by the time of the 1872 parliamentary session, although by the end of the session it was well on the way towards abolition. The opposition to dual representation came from the Liberals who regarded the practice as an indefensible means through which the government of the day controlled the electoral process. In this attitude the Central Canada Liberals were joined by the members from Nova Scotia and New Brunswick whose legislatures had, in 1867, disqualified members of the House of Commons from sitting in local assemblies. Nova Scotia even banned candidates for a seat in the federal House from its legislature. Ontario and Quebec, with newly established legislatures in 1867, declined to enact such legislation. In each case, the government was in the hands of Conservative administrations which saw the advantage of having direct links with the federal House. Thus the topic became a partisan one, raised every session by the Reformers and defended vigorously by Macdonald and the Conservatives.

In 1871, a political change occurred which broke the stalemate on the issue. The Sandfield Macdonald government in Ontario was defeated and the Liberals under Edward Blake and Alexander Mackenzie replaced it. Both these men had been federal members since 1867, but earlier in 1871 they had been persuaded to stand for Ontario provincial seats. Although they were often on record as opposing dual representation, the goal of ousting the Sandfield Macdonald government came to be seen as a higher purpose. Blake was sworn in as the second premier of Ontario on 20 December 1871. Two days later, the Ontario Legislature met, with one of its first tasks the passing of an act abolishing dual representation in Toronto and Ottawa. The act provided that from the dissolution of the present Parliament of Canada, no member of the Ontario legislature could also hold a federal seat. Its provisions therefore took effect for Ontario members beginning with the 1873 session of Parliament. Blake and Mackenzie, their provincial task accomplished, resigned their Ontario offices and legislative seats after having won re-election in federal ridings in the second general election, July–October 1872. They had laid the basis for a strong Liberal dynasty in Ontario under Oliver Mowat and his successors, which lasted until 1905.

Emboldened by the Ontario move, the opponents of dual representation moved against it again in the Commons. This time they were successful. On 3 June 1872, the Commons gave final reading to a bill to compel members of local legislatures, in provinces where dual representation was not allowed, to resign their seats before becoming candidates for seats in the Dominion Parliament.<sup>15</sup> This was a conditional prohibition, dependent upon action by the provinces.

The following year, in the Second Parliament, the prohibition was made complete. No person who was a member of the Legislative Council or the Legislative Assembly of an existing province, or one created in the future, would be eligible to sit in the House of Commons. The Act applied to the election of new members of the House during the continuance of the present Parliament.<sup>16</sup> Sitting members could continue to hold their provincial seats until the dissolution of the Second Parliament. This event occurred sooner than anticipated with the fall of the Macdonald government on 2 January 1874. Thus, from the opening of the Third Parliament in March 1874, dual representation

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<sup>15</sup> *An Act to compel Members of the Local Legislature in any Province where dual representation is not allowed to resign their Seats before becoming Candidates for Seats in the Dominion Parliament* (35 Vict., Cap. 15).

<sup>16</sup> *An Act to render Members of the Legislative Councils and Legislative Assemblies of the Provinces now included, or which may hereafter be included within the Dominion of Canada, ineligible for sitting or voting in the House of Commons of Canada* (36 Vict., Cap. 2).



was abolished in Canada. The only exception was for Dominion senators, who were allowed to be members of the Legislative Council of Quebec.

Sir John A. Macdonald's first ministry consisted of 13 members, nine of whom were drawn from the House of Commons. It was largely the group which had taken office in 1867, somewhat transformed by a number of changes of portfolio, and new appointments which had been made in 1869. The most important of these changes was the replacement of John Rose, who resigned from Canadian politics, by Sir Francis Hincks as Minister of Finance. Joseph Howe also entered the Macdonald cabinet in 1869. Since 1869, it had enjoyed a stable membership. The only changes between 1869 and 1872 were the appointment of John Henry Pope as Minister of Agriculture in 1871, and Charles Tupper's transfer from the presidency of the Privy Council to Inland Revenue in July 1872. The Prime Minister was clearly the chief spokesman for the government, on the business of the House as well as on broader subjects such as the bill to implement the Treaty of Washington and the plan to change representation in the House of Commons.

Sir George-Étienne Cartier, although holding the minor portfolio of Militia and Defence, was the "workhorse" of the government. He seemed always to be at Macdonald's elbow in the House. He it was who piloted the all-important *Canadian Pacific Railway Act* through the Commons. Sir Francis Hincks dealt with financial and tariff questions, the latter subject regardless of the fact that Leonard Tilley, a Father of Confederation, was Minister of Customs. Dr. Charles Tupper, holding lesser portfolios, was a minor figure in 1872 but destined for great things. Joseph Howe, as Secretary of State for the Provinces, was a spent force and would leave the Cabinet in the next year. Hector-Louis Langevin was a dependable Minister of Public Works and John Henry Pope a recently appointed Agriculture Minister. Some members of the Cabinet, such as Alexander Morris, Minister of Inland Revenue during the 1872 session, spoke rarely in the House. Four members of Macdonald's Cabinet sat in the Senate. The most important figure in this group, often referred to in House debates, was the redoubtable Peter Mitchell, Minister of Marine and Fisheries.

The parliamentary session of 1872 was an important one for the new Dominion. It formed a vital phase in the process by which, as Macdonald put it, the gristle of Confederation would harden into bone. *An Act respecting the Canadian Pacific Railway* was the keystone of the government's legislative program for 1872. It was designed to make possible the great national purpose of settling the West. It laid down the principles upon which the Pacific railroad would be financed, supported by grants of public land, and constructed. Its companion, *An Act to incorporate the Canadian Pacific Railway Company*, chartered the instrument that would carry out the work. Cartier, backed by the government's solid majority, skilfully shepherded the railway legislation through the House. The Liberals did not rise to the challenge of the project as the government envisioned it. They questioned the wisdom of a young country embarking upon such an ambitious, even foolhardy, enterprise. The debate was long and acrimonious. Eventually the government accepted some amendments to its legislation in order to secure its passage without further delay. The shady connection between Sir Hugh Allan, his Pacific railway syndicate and the Conservative party in the 1872 election, a link that was to bring Macdonald down a year later, was still an event hidden in the future when Parliament was dissolved on 8 July 1872.

Measures to adopt the provisions of the Treaty of Washington were another important subject before the 1872 House. The treaty settled a number of the outstanding issues left undecided between the United States and Great Britain at the close of the American Civil War. Macdonald had been a member of the British negotiating team for the treaty, his task being to represent Canadian interests in the settlement. He had not been entirely pleased by the outcome of the negotiations, but now he had the duty of securing approval of the treaty in the Canadian Parliament.



He waited for a full year while the opposition press and Liberal politicians fiercely denounced the treaty. It was painted as a sacrifice of Canada's interests in reciprocal trade, in the fisheries and in the use of trans-border rivers. Finally, on 3 May 1872, Macdonald introduced the Treaty of Washington bill into the Commons with one of the most impressive speeches of his career. It lasted, with a recess for dinner, for four and a quarter hours. In it, he took the broad view that Anglo-American harmony was vital for the security and prosperity of Canada. The Dominion must be prepared to give up some short-term objectives in her dealings with the United States for the sake of the overriding one which guaranteed peace in the North Atlantic world. The opposition for the most part was disinclined to accept this interpretation, and the bill to implement the treaty received a rough passage. In the end, after several heated late-night sittings and many divisions, it was approved by the government majority, increased by some Liberal defections, 121 to 55.

An issue with explosive potential was taken up and successfully defused in the 1872 session. This was the outcry among Roman Catholics in New Brunswick and Quebec provoked by the New Brunswick *Common Schools Act* of 1871. This measure, designed to create a more effective system of free public schools in the province, took away an informal arrangement for separate schools which had existed in New Brunswick for several decades. A great controversy touching the sensitive relationship between education, religion and the state erupted. The Dominion government was urged to disallow the New Brunswick *Common Schools Act* and restore the minority's position in the province's educational system. Macdonald was reluctant to intervene, knowing full well the danger to the fledgling federation if Ottawa were seen as imposing its will in a subject of provincial jurisdiction. In the end, he managed to persuade the supporters of separate schools in the Commons to let the courts rule on the question. In time this was done, both in New Brunswick and in London. The 1871 Act was found not to violate section 93 of the *British North America Act, 1867*, guaranteeing minority religious rights in education. New Brunswick introduced some changes in its school practices and an informal system of separate schools was re-established. Still, the issue was a testing one for the members of the 1872 Parliament.

The parliamentarians of 1872 knew they were approaching a general election. Clearly for this reason, they devoted considerable time to defects in the political process in the new Dominion and suggestions for its improvement. The Liberals were usually to be found advocating change; the Conservatives arguing for the maintenance of current practices. Blake introduced a bill to have elections held on the same day across Canada and for use of the secret ballot. It was not approved in 1872. The Liberals suggested that controverted elections should be settled by judges rather than by a parliamentary committee. The proposal was turned down in 1872, but accepted later. There were complaints about the quality of appointments to the Senate and demands that senators should not be allowed to obtain remuneration from the Crown beyond their sessional indemnities. This, too, was an idea whose time had not come in 1872. The government's *Representation Act*,<sup>17</sup> increasing by nine seats the composition of the Commons and re-drawing constituency boundaries, was an obvious subject of contention. The opposition denounced the inequality in the sizes of existing constituencies, the fact that the classic principle of representation by population was ignored in many ridings. British Columbia, with an estimated population of 10,000, returned six members, while Alexander Mackenzie's constituency of Lambton, Ontario, with 30,000 inhabitants, elected only one member of Parliament. The "shreds and patches" of the Dominion, the opposition claimed, were over-represented simply because they normally returned supporters of the government. Macdonald and his colleagues were indignant at these accusations. The new *Representation Act* was approved in time to be used in the elections later in the year.

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<sup>17</sup> *An Act to re-adjust the Representation in the House of Commons*, S.C. 1872.



Throughout the 1872 debates reverberate the echoes of issues constant in Canadian politics. Although the Dominion was only five years old, certain subjects were already becoming familiar. Senate reform was one: the clamour for an elected Senate and for a more representative class of men in the upper house. The power of the executive over against that of Parliament was another topic of concern. The stresses and strains within the federation were very much in the members' minds. There was a tendency, it was argued, for the central government to amass power at the expense of the provinces; this was a development that must be resisted. Immigration was a concern. Was Canada attracting, by its immigration promotion efforts, immigrants from desirable countries and with proper moral standards? What should be the requirements for Canadian citizenship? Should "semi-barbarous people," coming from certain British colonies, be admitted to citizenship? Civil service reform was much in the air as government and opposition speakers declared their interest in improving a service which in the old days, Macdonald claimed, had been "little less than a hospital for incurables." United States tariff measures and their impact upon the Canadian economy formed a subject for questioning and debate. Pollution, whether the dumping of sawdust into the rivers or the unauthorized smoking by members in the Commons chamber, was commented upon. The Parliament of Canada might be only five years old but already it was grappling with the pith and substance of deep-seated Canadian issues. For this fact alone, to read the Commons debates of 1872 is both enriching and a salutary experience.

David Farr  
Professor Emeritus, History  
Carleton University  
Ottawa, 1991





# THE MINISTRY

## FIRST PARLIAMENT

FIFTH SESSION – APRIL 11, 1872 TO JUNE 14, 1872

Prime Minister, Minister of Justice and Attorney General .....	Hon. Sir John Alexander Macdonald
Minister of Militia and Defence .....	Hon. Sir George-Étienne Cartier
Minister of Customs .....	Hon. Samuel Leonard Tilley
Minister of Finance .....	Hon. Sir Francis Hincks
Minister of Public Works .....	Hon. Hector-Louis Langevin
Minister of Inland Revenue .....	Hon. Alexander Morris
Secretary of State for the Provinces .....	Hon. Joseph Howe
President of the Privy Council .....	Hon. Charles Tupper
Minister of Marine and Fisheries .....	Hon. Peter Mitchell
Postmaster General .....	Hon. Alexander Campbell
Minister of Agriculture .....	Hon. John Henry Pope
Secretary of State of Canada .....	Hon. James Cox Aikins
Receiver General .....	Hon. Jean-Charles Chapais
Superintendent-General of Indian Affairs .....	Hon. Joseph Howe





# NAMES OF MEMBERS IN ALPHABETICAL ORDER AND CONSTITUENCIES

Name of Member	Constituency
Abbott, Hon. John Joseph Caldwell .....	Argenteuil, Quebec
Anglin, Hon. Timothy Warren .....	Gloucester, New Brunswick
Archambault, Hon. Louis .....	L'Assomption, Quebec
Ault, Samuel .....	Stormont, Ontario
Baker, George Barnard .....	Missisquoi, Quebec
Barthe, Georges Isidore .....	Richelieu, Quebec
Beaty, James .....	Toronto East, Ontario
Beaubien, Hon. Joseph-Octave .....	Montmagny, Quebec
Béchar, François .....	Iberville, Quebec
Bellerose, Joseph-Hyacinthe .....	Laval, Quebec
Benoit, Pierre Basile .....	Chambly, Quebec
Bertrand, Charles-Frédéric-Adolphe .....	Témiscouata, Quebec
Blake, Hon. Edward .....	Durham West, Ontario
Blanchet, Joseph-Godéric .....	Lévis, Quebec
Bodwell, Ebenezer Vining .....	Oxford South, Ontario
Bolton, John .....	Charlotte, New Brunswick
Bourassa, François .....	Saint-Jean, Quebec
Bowell, Mackenzie .....	Hastings North, Ontario
Bowman, Isaac Erb .....	Waterloo North, Ontario
Bown, John Young .....	Brant North, Ontario
Brousseau, Jean-Docile .....	Portneuf, Quebec
Brown, James .....	Hastings West, Ontario
Burpee, Charles .....	Sunbury, New Brunswick
Burton, Francis Henry .....	Durham East, Ontario
Cameron, Hugh .....	Inverness, Nova Scotia
Cameron, Hon. John Hillyard .....	Peel, Ontario
Cameron, Malcolm Colin .....	Huron South, Ontario
Campbell, Hon. Stewart .....	Guysborough, Nova Scotia
Carling, Hon. John .....	London (City), Ontario
Carmichael, James William .....	Pictou, Nova Scotia
Caron, George .....	Maskinongé, Quebec
<sup>1</sup> Carter, Edward .....	Brome, Quebec
Cartier, Hon. Sir George-Étienne .....	Montréal-Est, Quebec
Cartwright, Richard John .....	Lennox, Ontario
Cayley, Michael .....	Beauharnois, Quebec
Chauveau, Hon. Pierre-Joseph-Olivier .....	Québec (Comté), Quebec
Cheval, Guillaume dit St.Jacques .....	Rouville, Quebec
Chipman, Leverett de Veber .....	Kings, Nova Scotia
Cimon, Simon-Xavier .....	Charlevoix, Quebec

<sup>1</sup> Elected in by-election, November 17, 1871

Name of Member	Constituency
Cockburn, Hon. James .....	Northumberland West, Ontario
Coffin, Thomas Shelburne .....	Nova Scotia
Colby, Charles Carroll .....	Stanstead, Quebec
Connell, Hon. Charles .....	Carleton, New Brunswick
Costigan, John .....	Victoria, New Brunswick
Coupal dit La Reine, Sixte .....	Napierville, Quebec
Crawford, James .....	Brockville (Town), Ontario
Crawford, John Willoughby .....	Leeds South, Ontario
<sup>2</sup> Cumberland, Frederick William .....	Algoma, Ontario
Currier, Joseph Merrill .....	Ottawa (City), Ontario
Daoust, Jean-Baptiste .....	Deux-Montagnes, Quebec
<sup>3</sup> De Cosmos, Amor .....	Victoria, British Columbia
Delorme, Louis .....	Saint-Hyacinthe, Quebec
Delorme, Pierre .....	Provencher, Manitoba
Dobbie, Thomas William .....	Elgin East, Ontario
Dorion, Hon. Antoine-Aimé .....	Hochelaga, Quebec
Drew, George Alexander .....	Wellington North, Ontario
<sup>4</sup> Dugas, Firmin .....	Montcalm, Quebec
Ferguson, Thomas Roberts .....	Cardwell, Ontario
Ferris, John .....	Queen's, New Brunswick
Forbes, James Fraser .....	Queens, Nova Scotia
Fortier, Moïse .....	Yamaska, Quebec
Fortin, Pierre .....	Gaspé, Quebec
Fournier, Téléphore .....	Bellechasse, Quebec
Galt, Hon. Sir Alexander Tilloch .....	Sherbrooke (Ville), Quebec
Gaucher, Guillaume Gamelin .....	Jacques-Cartier, Quebec
Gaudet, Joseph .....	Nicolet, Quebec
Gendron, Pierre-Samuel .....	Bagot, Quebec
Geoffrion, Félix .....	Verchères, Quebec
Gibbs, Thomas Nicholson .....	Ontario South, Ontario
Godin, François Benjamin .....	Joliette, Quebec
Grant, James Alexander .....	Russell, Ontario
Gray, Hon. John Hamilton .....	St. John (City & County), New Brunswick
Grover, Peregrine Maitland .....	Peterborough East, Ontario
Harrison, Robert Alexander .....	West Toronto, Ontario
Hagar, Albert .....	Prescott, Ontario
Heath, Edmund .....	Pontiac, Quebec
Hincks, Hon. Sir Francis .....	Renfrew North, Ontario
Holmes, John .....	Carleton, Ontario

<sup>2</sup> Elected in by-election, June 30, 1871

<sup>3</sup> Elected in by-election, November 24, 1871

<sup>4</sup> Elected in by-election, September 15, 1871



Name of Member	Constituency
Holton, Hon. Luther Hamilton .....	Châteauguay, Quebec
<sup>5</sup> Houghton, Charles Frederick .....	Yale, British Columbia
Howe, Hon. Joseph .....	Hants, Nova Scotia
Huntington, Hon. Lucius Seth .....	Shefford, Quebec
Hurdon, Francis .....	Bruce South, Ontario
Hutchison, Hon. Richard .....	Northumberland, New Brunswick
Irvine, Hon. George .....	Mégantic, Quebec
Jackson, George .....	Grey South, Ontario
Joly, Henri-Gustave .....	Lotbinière, Quebec
Jones, Alfred Gilpin .....	Halifax, Nova Scotia
Jones, Francis .....	Leeds North and Grenville North, Ontario
Keeler, Joseph .....	Northumberland East, Ontario
Kempt, George .....	Victoria South, Ontario
Killam, Frank .....	Yarmouth, Nova Scotia
Kirkpatrick, George Airey .....	Frontenac, Ontario
Lacerte, Élie .....	Saint-Maurice, Quebec
Langevin, Hon. Hector-Louis .....	Dorchester, Quebec
Langlois, Jean .....	Montmorency, Quebec
Lapum, James .....	N. Addington, Ontario
Lawson, Peter .....	Norfolk South, Ontario
Le Vesconte, Hon. Isaac .....	Richmond, Nova Scotia
Little, William Carruthers .....	Simcoe South, Ontario
Lynch, James S. ....	Marquette, Manitoba
McCallum, Lachlan .....	Monck, Ontario
McConkey, Thomas David .....	Simcoe North, Ontario
McDonald, Angus Peter .....	Middlesex West, Ontario
Macdonald, Donald Alexander .....	Glengarry, Ontario
McDonald, Edmund Mortimer .....	Lunenburg, Nova Scotia
McDonald, Hugh .....	Antigonish, Nova Scotia
Macdonald, Hon. Sir. John Alexander, K.C.B. ....	Kingston (City), Ontario
Macdonald, Hon. John Sandfield .....	Cornwall, Ontario
McDougall, John Lorn .....	Renfrew South, Ontario
McDougall, William .....	Trois-Rivières (Ville), Quebec
McDougall, Hon. William, C.B. ....	Lanark North, Ontario
MacFarlane, Robert .....	Perth South, Ontario
McGreevy, Hon. Thomas .....	Québec-Ouest, Quebec
McKay, Angus .....	Marquette, Manitoba
McKeagney, Hon. James Charles .....	Cape Breton, Nova Scotia

<sup>5</sup> Elected in by-election, December 19, 1871

Name of Member	Constituency
Mackenzie, Hon. Alexander .....	Lambton, Ontario
McMillan, Donald .....	Vaudreuil, Quebec
McMonies, James .....	Wentworth North, Ontario
Magill, Charles .....	Hamilton (City), Ontario
Masson, Louis-François-Rodrigue .....	Terrebonne, Quebec
Masson, Luc-Hyacinthe .....	Soulanges, Quebec
Merritt, Thomas Rodman .....	Lincoln, Ontario
Metcalf, James .....	York East, Ontario
Mills, David .....	Bothwell, Ontario
Moffatt, George .....	Restigouche, New Brunswick
Morison, John .....	Victoria North, Ontario
Morris, Hon. Alexander .....	Lanark South, Ontario
Morrison, Angus .....	Niagara (Town), Ontario
Munroe, John H. ....	Elgin West, Ontario
<sup>6</sup> Nathan, Henry Jr. ....	Victoria, British Columbia
<sup>7</sup> Nelson, Hugh .....	New Westminster, British Columbia
O'Connor, John .....	Essex, Ontario
Oliver, Thomas .....	Oxford North, Ontario
Pâquet, Anselme-Homère .....	Berthier, Quebec
Pearson, Frederick M. ....	Colchester, Nova Scotia
Pelletier, Charles-Alphonse-Pantaléon .....	Kamouraska, Quebec
Perry, Charles .....	Peterborough West, Ontario
Pickard, John .....	York, New Brunswick
Pinsonneault, Alfred .....	Laprairie, Quebec
Pope, Hon. John Henry .....	Compton, Quebec
Pouliot, Barthélemy .....	L'Islet, Quebec
Power, Patrick .....	Halifax, Nova Scotia
Pozer, Christian Henry .....	Beauce, Quebec
Ray, William Hallett .....	Annapolis, Nova Scotia
Redford, James .....	Perth North, Ontario
Renaud, Auguste .....	Kent, New Brunswick
Robitaille, Théodore .....	Bonaventure, Quebec
Ross, James .....	Wellington Centre, Ontario
Ross, Hon. John Jones .....	Champlain, Quebec
Ross, John Sylvester .....	Dundas, Ontario
Ross, Walter .....	Prince Edward, Ontario
Ross, William .....	Victoria, Nova Scotia
Ryan, GeorgeKing's .....	New Brunswick
Ryan, Michael Patrick .....	Montréal-Ouest, Quebec

<sup>6</sup> Elected in by-election, November 24, 1871

<sup>7</sup> Elected in by-election, December 13, 1871



Name of Member	Constituency
Rymal, Joseph .....	Wentworth South, Ontario
Savary, Alfred William .....	Digby, Nova Scotia
Scatcherd, Thomas .....	Middlesex North, Ontario
Schultz, John Christian .....	Lisgar, Manitoba
Scriver, Julius .....	Huntingdon, Quebec
Sénécal, Louis-Adélard .....	Drummond—Arthabaska, Quebec
Shanly, Walter .....	Grenville South, Ontario
Simard, Georges-Honoré .....	Québec-Centre, Quebec
Smith, Hon. Albert James .....	Westmorland, New Brunswick
Smith, Donald Alexander .....	Selkirk, Manitoba
Snider, George .....	Grey North, Ontario
Sproat, Alexander .....	Bruce North, Ontario
Stephenson, Rufus .....	Kent, Ontario
Stirton, David .....	Wellington South, Ontario
Street, Thomas Clark .....	Welland, Ontario
Sylvain, George .....	Rimouski, Quebec
Thompson, David.....	Haldimand, Ontario
Thompson, John Hall .....	Ontario North, Ontario
<sup>8</sup> Thompson, Joshua Spencer .....	Cariboo, British Columbia
Tilley, Hon. Samuel Leonard, C.B. , .....	St. John, New Brunswick
Tourangeau, Adolphe Guillet dit .....	Québec-Est, Quebec
Tremblay, Pierre-Alexis .....	Chicoutimi—Saguenay, Quebec
Tupper, Hon. Charles, C.B. ....	Cumberland, Nova Scotia
Wallace, John .....	Albert, New Brunswick
<sup>9</sup> Wallace, Robert .....	Vancouver Island, British Columbia
Walsh, Aquila .....	Norfolk North, Ontario
Webb, William Hoste .....	Richmond—Wolfe, Quebec
Wells, James Pearson .....	York North, Ontario
White, John .....	Halton, Ontario
White, John .....	Hastings East, Ontario
Whitehead, Joseph .....	Huron North, Ontario
Willson, Crowell .....	Middlesex East, Ontario
Wood, Hon. Edmund Burke .....	Brant South, Ontario
Workman, Thomas .....	Montréal-Centre, Quebec
Wright, Alonzo .....	Ottawa (Comté), Quebec
Wright, Amos .....	York West, Ontario
Young, James .....	Waterloo South, Ontario

<sup>8</sup> Elected in by-election, December 19, 1871

<sup>9</sup> Elected in by-election, December 15, 1871





# CONSTITUENCIES BY PROVINCE WITH NAME OF MEMBERS ELECTED

## PROVINCE OF MANITOBA

Lisgar .....	John Christian Schultz
Marquette .....	James S. Lynch
Marquette .....	Angus McKay
Provencher .....	Pierre Delorme
Selkirk .....	Donald Alexander Smith

## PROVINCE OF BRITISH COLUMBIA

Cariboo .....	<sup>1</sup> Joshua Spencer Thompson
New Westminster .....	<sup>2</sup> Hugh Nelson
Vancouver Island .....	<sup>3</sup> Robert Wallace
Victoria .....	<sup>4</sup> Amor De Cosmos
Victoria .....	<sup>5</sup> Henry Nathan Jr.
Yale .....	<sup>6</sup> Charles Frederick Houghton

## PROVINCE OF NEW BRUNSWICK

Albert .....	John Wallace
Carleton .....	Hon. Charles Connell
Charlotte .....	John Bolton
Gloucester .....	Hon. Timothy Warren Anglin
Kent .....	Auguste Renaud
King's .....	George Ryan
Northumberland .....	Hon. Richard Hutchison
Queen's .....	John Ferris
Restigouche .....	George Moffatt
St. John (City) .....	Hon. Samuel Leonard Tilley, C.B.
St. John (City & County) .....	Hon. John Hamilton Gray
Sunbury .....	Charles Burpee
Victoria .....	John Costigan
Westmorland .....	Hon. Albert James Smith
York .....	John Pickard

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<sup>1</sup> Elected in by-election, December 19, 1871

<sup>2</sup> Elected in by-election, December 13, 1871

<sup>3</sup> Elected in by-election, December 15, 1871

<sup>4</sup> Elected in by-election, November 24, 1871

<sup>5</sup> Elected in by-election, November 24, 1871

<sup>6</sup> Elected in by-election, December 19, 1871

## PROVINCE OF NOVA SCOTIA

Annapolis .....	William Hallet Ray
Antigonish .....	Hugh McDonald
Cape Breton .....	Hon. James Charles McKeagney
Colchester .....	Frederick M. Pearson
Cumberland .....	Hon. Charles Tupper, C.B.
Digby .....	Alfred William Savary
Guysborough .....	Hon. Stewart Campbell
Halifax .....	Alfred Gilpin Jones
Halifax .....	Patrick Power
Hants .....	Hon. Joseph Howe
Inverness .....	Hugh Cameron
Kings .....	Leverett de Veber Chipman
Lunenburg .....	Edmund Mortimer McDonald
Pictou .....	James William Carmichael
Queens .....	James Fraser Forbes
Richmond .....	Hon. Isaac Le Vesconte
Shelburne .....	Thomas Coffin
Victoria .....	William Ross
Yarmouth .....	Frank Killam

## PROVINCE OF ONTARIO

Addington .....	James N. Lapum
Algoma (The Provisional Judicial District of) .....	<sup>7</sup> Frederick William Cumberland
Bothwell .....	David Mills
Brant North .....	John Young Bown
Brant South .....	Hon. Edmund Burke Wood
Brockville (Town), with the Township of Elizabethtown thereto attached .....	James Crawford
Bruce North .....	Alexander Sproat
Bruce South .....	Francis Hurdon
Cardwell .....	Thomas Roberts Ferguson
Carleton .....	John Holmes
Cornwall (Town), with the Township of Cornwall thereto attached .....	Hon. John Sandfield Macdonald
Dundas .....	John Sylvester Ross
Durham East .....	Francis Henry Burton
Durham West .....	Hon. Edward Blake
Elgin East .....	Thomas William Dobbie
Elgin West .....	John H. Munroe
Essex .....	John O'Connor
Frontenac .....	George Airey Kirkpatrick
Glengarry .....	Donald Alexander Macdonald

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<sup>7</sup> Elected in by-election, June 30, 1871



# PROVINCE OF ONTARIO (cont'd)

Grenville South .....	Walter Shanly
Grey North .....	George Snider
Grey South .....	George Jackson
Haldimand .....	David Thompson
Halton .....	John White
Hamilton (City) .....	Charles Magill
Hastings East .....	John White
Hastings North .....	Mackenzie Bowell
Hastings West .....	James Brown
Huron North .....	Joseph Whitehead
Huron South .....	Malcolm Colin Cameron
Kent .....	Rufus Stephenson
Kingston .....	Hon. Sir John Alexander Macdonald, K.C.B.
Lambton .....	Hon. Alexander Mackenzie
Lanark North .....	Hon. William McDougall, C.B.
Lanark South .....	Hon. Alexander Morris
Leeds North and Grenville North .....	Francis Jones
Leeds South .....	John Willoughby Crawford
Lennox .....	Richard John Cartwright
Lincoln .....	Thomas Rodman Merritt
London (City) .....	Hon. John Carling
Middlesex East .....	Crowell Willson
Middlesex North .....	Thomas Scatcherd
Middlesex West .....	Angus Peter McDonald
Monck .....	Lachlan McCallum
Niagara (Town), with Township of Niagara thereto attached .....	Angus Morrison
Norfolk North .....	Aquila Walsh
Norfolk South .....	Peter Lawson
Northumberland East .....	Joseph Keeler
Northumberland West, excepting therefrom the Township of South Monaghan .....	Hon. James Cockburn
Ontario North .....	John Hall Thompson
Ontario South .....	Thomas Nicholson Gibbs
Ottawa (City) .....	Joseph Merrill Currier
Oxford North .....	Thomas Oliver
Oxford South .....	Ebenezer Vining Bodwell
Peel .....	Hon. John Hillyard Cameron
Perth North .....	James Redford
Perth South .....	Robert MacFarlane
Peterborough East .....	Peregrine Maitland Grover
Peterborough West .....	Charles Perry
Prescott .....	Albert Hagar
Prince Edward .....	Walter Ross
Renfrew North .....	Hon. Sir Francis Hincks

## PROVINCE OF ONTARIO (cont'd)

Renfrew South .....	John Lorn McDougall
Russell .....	James Alexander Grant
Simcoe North .....	Thomas David McConkey
Simcoe South .....	William Carruthers Little
Stormont .....	Samuel Ault
Toronto East .....	James Beaty
Victoria North .....	John Morison
Victoria South .....	George Kempt
Waterloo North .....	Isaac Erb Bowman
Waterloo South .....	James Young
Welland .....	Thomas Clark Street
Wellington Centre .....	James Ross
Wellington North .....	George Alexander Drew
Wellington South .....	David Stirton
Wentworth North .....	James McMonies
Wentworth South .....	Joseph Rymal
West Toronto .....	Robert Alexander Harrison
York East .....	James Metcalfe
York North .....	James Pearson Wells
York West .....	Amos Wright

## PROVINCE OF QUEBEC

Argenteuil .....	Hon. John Joseph Caldwell Abbott
Bagot .....	Pierre-Samuel Gendron
Beauce .....	Christian Henry Pozer
Beauharnois .....	Michael Cayley
Bellechasse .....	Télesphore Fournier
Berthier .....	Anselme-Homère Pâquet
Bonaventure .....	Théodore Robitaille
Brome .....	<sup>8</sup> Edward Carter
Chambly .....	Pierre Basile Benoit
Champlain .....	Hon. John Jones Ross
Charlevoix .....	Simon-Xavier Cimon
Châteauguay .....	Hon. Luther Hamilton Holton
Chicoutimi—Saguenay .....	Pierre-Alexis Tremblay
Compton .....	Hon. John Henry Pope
Deux-Montagnes .....	Jean-Baptiste Daoust
Dorchester .....	Hon. Hector-Louis Langevin
Drummond—Arthabaska .....	Louis-Adélard Sénécal
Gaspé .....	Pierre Fortin
Hochelaga .....	Hon. Antoine-Aimé Dorion
Huntingdon .....	Julius Sriver
Iberville .....	François Béchard

<sup>8</sup> Elected in by-election, November 17, 1871



# PROVINCE OF QUEBEC (cont'd)

Jacques-Cartier .....	Guillaume Gamelin Gaucher
Joliette .....	François Benjamin Godin
Kamouraska .....	Charles-Alphonse-Pantaléon Pelletier
Laprairie .....	Alfred Pinsonneault
L'Assomption .....	Hon. Louis Archambault
Laval .....	Joseph-Hyacinthe Bellerose
Lévis .....	Joseph-Godérich Blanchet
L'Islet .....	Barthélemy Pouliot
Lotbinière .....	Henri-Gustave Joly
Maskinongé .....	George Caron
Mégantic .....	Hon. George Irvine
Missisquoi .....	George Barnard Baker
Montcalm .....	<sup>9</sup> Firmin Dugas
Montmagny .....	Hon. Joseph-Octave Beaubien
Montmorency .....	Jean Langlois
Montréal-Centre .....	Thomas Workman
Montréal-Est .....	Hon. Sir George-Étienne Cartier
Montréal-Ouest .....	Michael Patrick Ryan
Napierville .....	Sixte Coupal dit la Reine
Nicolet .....	Joseph Gaudet
Ottawa (Comté) .....	Alonzo Wright
Pontiac .....	Edmund Heath
Portneuf .....	Jean-Docile Brousseau
Québec-Centre .....	Georges-Honoré Simard
Québec-Est .....	Adolphe Guillet dit Tourangeau
Québec-Ouest .....	Hon. Thomas McGreevy
Québec (Comté) .....	Hon. Pierre-Joseph-Olivier Chauveau
Richelieu .....	Georges Isodore Barthe
Richmond—Wolfe .....	William Hoste Webb
Rimouski .....	George Sylvain
Rouville .....	Guillaume Cheval dit St-Jacques
Saint-Hyacinthe .....	Louis Delorme
Saint-Jean .....	François Bourassa
Saint-Maurice .....	Elie Lacerte
Shefford .....	Hon. Lucius Seth Huntington
Sherbrooke (Ville) .....	Hon. Sir Alexander Tilloch Galt
Soulanges .....	Luc-Hyacinthe Masson
Stanstead .....	Charles Carroll Colby
Témiscouata .....	Charles-Frédéric-Adolphe Bertrand
Terrebonne .....	Louis-François-Rodrigue Masson
Trois-Rivières (Ville) .....	William McDougall
Vaudreuil .....	Donald McMillan
Verchères .....	Félix Geoffrion
Yamaska .....	Moïse Fortier

<sup>9</sup> Elected in by-election, September 15, 1871





## Readers Note

This is the fifth volume in a series begun in the 1960s to reconstitute the early debates of the House of Commons. The editorial approach followed here is set out in P.B. Waite's Introduction to the first volume, which presents the debates of 1867-1868.

These debates are a reconstruction from newspaper accounts and are in no way considered official records of the House of Commons. Numbers and figures misquoted in original newspaper reports have been corrected where required. The exact names of bills, votes, etc., sourced from the *Journals* of the House, occasionally replace the more dubious titles found in unofficial records of the day. Professional designations have been suppressed in favour of the official names of individuals. These were exhaustively researched using parliamentary guides, the Dictionary of Canadian Biography, and the Library of Parliament's own PARLINFO database, where readers may consult the political biographies of Canada's first parliamentarians. The names of electoral districts have been verified and made consistent, but readers should note that other place names, which may have changed since the 1800s, have been left "as reported" here.

There has been no attempt to clean up awkward or incomplete sentences. The reader must adopt the mindset of a reporter in the late 1800s, writing furiously in a noisy, bustling environment. Likewise, the language of debate is rooted in the times, with the appearance of archaic words and turns of phrase and liberal references to the classics of the day. Those with a keen eye will note some creative spelling and variations in the capitalization of parliamentary terms, a lack of consistency that honours the flavour of the times.





April 11, 1872

## HOUSE OF COMMONS

Thursday, April 11, 1872

The **SPEAKER** took the chair at three o'clock, and the House being summoned to the Chamber, His Excellency the **GOVERNOR GENERAL** read the following

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*Prayers*

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### SPEECH FROM THE THRONE

Hon. Gentlemen of the Senate:

Gentlemen of the House of Commons: The auspicious recovery which the mercy of Providence vouchsafed from the well nigh mortal illness of the Prince of Wales, called forth a universal expression of joy and thankfulness throughout the Empire. All classes of the people testified their deep sense of relief from the anxieties of a long and painful suspense by joining their beloved Queen in a public Thanksgiving which proved in vastness of attendance and unanimity of feeling the grandest and most impressive ceremony ever witnessed in the British Capital.

I invite you to follow the good example on the fifteenth day of this month.

It was thought advisable to defer the solemnity until after the meeting of Parliament, and I feel assured that the Members of the two Houses, as well as all Her Majesty's faithful subjects throughout the Dominion will be anxious to unite in celebrating the occasion with all becoming observance and loyal alacrity.

Your Meeting has itself been postponed to a later season than usual, upon considerations of Imperial as well as Colonial interest, and at the instance of Her Majesty's Government.

The young Province of Manitoba, was last September threatened with an invasion of lawless persons from the United States. Prompt measures for resistance were adopted by the local authorities and attended with the best results.

In order to reassure the people of the Province, and to prevent a recurrence of the outrage, I ordered a force of two hundred Militiamen to be sent to Fort Garry.

Notwithstanding the inclement season of the year the troops surmounted the difficulties of the march with energy and success, thus proving not only their own discipline and

endurance, but also the value of the route through our own Territory.

The accounts of the expenditure occasioned by this expedition will be laid before you, and you will be requested to pass a Bill to indemnify the Government.

A copy of the Treaty made at Washington last year between Her Majesty the Queen and the United States of America, in which the Dominion has so great an interest, will be laid before you.

So much of the papers and of the completed correspondence as can be made public without injury to the interests of the Empire or of Canada, will also be at once submitted for your information, and your attention will be invited to this important subject.

A conference was held at Ottawa in September last, on the important subject of immigration, at which the Government of the Dominion, as well as those of every Province, were represented.

A scheme for joint and several action was provisionally arranged, to which I invite your attention.

I do not doubt that you will be inclined to make ample provisions for the encouragement of Immigration with the maintenance and extension of which the development of the vast natural resources of Canada is so vitally interwoven.

Since last Session the union of British Columbia with Canada has been happily consummated, and her representatives now take part in your deliberations.

In order to open up and settle the fertile Territories of the North West, and to link British Columbia therewith, it will be necessary for you to make provision for the construction of a Railway to the Pacific Ocean, in conformity with the terms of Her Majesty's Order in Council uniting British Columbia with the Dominion. An appropriation was made in the last Session for the preliminary Survey of the route for this Railway. The work has been diligently prosecuted, and a report of the progress achieved shall be laid before you.

You will, I trust, concur with me in thinking that the long-contemplated improvement and extension of our system of Canals ought to be vigorously prosecuted.

The rapid increase in the trade of Canada, and the importance of competing for, and accommodating the commerce of the

Great West, render it necessary that the means of transport by water should be cheapened and facilitated.

I have to request your serious consideration of this subject, and in connection with it, the expediency of providing a direct water communication between the Gulf of St. Lawrence and the Bay of Fundy.

The decennial Census having been taken last year, the duty of readjusting the representation in Parliament of the four Provinces originally constituting the Dominion devolves upon you now, according to the terms of the Union Act.

A measure for the purpose will accordingly be submitted for your consideration.

Among other measures, Bills will be presented to you relating to the Judges of Superior Courts—to the regulation and management of the public lands and mines of the Dominion in Manitoba and the North West Territories, and for the amendment of the laws relating to the public health.

Gentlemen of the House of Commons:

The accounts of the past year will at once be laid before you, and likewise a statement of the receipts and expenditure of the current year, up to the close of the last month.

It is gratifying to me to be able to announce to you that the revenue for the past, as well as that for the current year, will be considerably in excess of what was estimated, and that consequently there is no reason to apprehend embarrassment from the immediate commencement of the contemplated public improvements.

The estimates for the ensuing year will be submitted to you, and I trust that you will be of opinion that the supplies which my Government will ask you to vote for the service of Her Majesty can be granted without inconvenience to her Canadian subjects.

Hon. Gentlemen of the Senate:

Gentlemen of the House of Commons:

I have all the more satisfaction in recurring to your counsel and assistance at this period, inasmuch as I may congratulate you on the general prosperity of the country, and the fortunate issue of the steps taken to unite and consolidate the vast territories which now form the Dominion.

I feel assured that you will continue to devote the same assiduity as in the past to the augmented labours, which the exigencies of more numerous constituencies and a wider sphere of operations demand at your hands, and I earnestly pray that your efforts in the path of duty

may be so happily guided as to maintain peace and justice in all the borders of the land, and ensure the happiness and lasting welfare of all classes of its inhabitants.

The following members were introduced, and took their seats: Hon. Mr. Pope, of Compton, Quebec; Mr. Nathan, of Victoria, British Columbia; Mr. Carter, of Brome, Quebec; Mr. Wallace, of Vancouver Island; Mr. Thompson, of Cariboo; Mr. Houghton, of Yale, Kootenay District, British Columbia; Mr. De Cosmos, of Victoria, British Columbia; and Mr. Nelson of New Westminster, British Columbia.

**Hon. Sir JOHN A. MACDONALD** moved, seconded by the **Hon. Sir GEORGE-É. CARTIER**, that the Speech from the Throne be taken into consideration tomorrow.

*Ordered*, that the Votes and Proceedings of this House be printed, being first perused by Mr. Speaker, and that he do appoint the printing thereof; and that no person but such as he shall appoint do presume to print the same.

*Resolved*, That Select Standing Committees of this House for the present Session be appointed for the following purposes:—1. On Privileges and Elections.—2. On Expiring Laws.—3. On Railways, Canals and Telegraph Lines.—4. On Miscellaneous Private Bills.—5. On Standing Orders.—6. On Printing.—7. On Public Accounts.—8. On Banking and Commerce.—9. On Immigration and Colonization,—which said Committees shall severally be empowered to examine and enquire into all such matters and things as may be referred to them by the House; and to report from time to time their observations and opinions thereon: with power to send for persons, papers and records.

*Resolved*, 1st.—That if anything shall come in question touching the Return or Election of any Member, he is to withdraw during the time the matter is in Debate; and all Members returned upon double Returns are to withdraw until their Returns are determined.

*Resolved*, 2nd.—That if it shall appear that any person hath been elected or returned a Member of this House, or hath endeavoured so to be, by bribery or any other corrupt practices, this House will proceed with the utmost severity against all such persons as shall have been willfully concerned in such bribery or other corrupt practices.

*Resolved* 3rd.—That the offer of any money or other advantage to any Member of the House of Commons, for the promoting of any matter whatsoever, depending or to be transacted in the Parliament of the Dominion of Canada, is a high crime and misdemeanor, and tends to the subversion of the Constitution.

**Hon. Mr. MACKENZIE** desired to be informed if it were the intention of the Government to lay before the House the promised correspondence relative to the Treaty of Washington



April 11, 1872

before the House proceeded to take into consideration the speech from the Throne.

**Hon. Sir JOHN A. MACDONALD:** It is not.

**Hon. Mr. MACKENZIE:** The speech from the Throne had promised that the desired-for correspondence should be presented for the consideration of the House. The Speech inferred that the House should discuss the treaty, and now the House was asked to discuss the treaty without having the papers before it.

**Hon. Sir JOHN A. MACDONALD:** Discussions on Addresses from the throne were things of the past. In England such addresses were not now discussed. In the House of Commons in England it was customary to adopt the Address unless it was intended to move a vote of want of confidence.

**Hon. Mr. HOLTON:** If the leader of the House desired to follow English precedent he should proceed with the discussion of the Address at once. Such was the practice in England. Such a course was desirable, considering the late period at which the House had been called together and it would save much expense to the country.

**Hon. Mr. MACKENZIE** asked what steps the Government intended to adopt with regard to a return which had been brought before the House, last session, in which it was shown that two members from a Manitoba constituency had been returned by the same number of votes, and the Government had promised to have a commission appointed to investigate the matter. The result had been that owing to the negligence of the Government, the constituency was not represented then.

**Hon. Sir GEORGE-É. CARTIER** explained. The same course had been pursued as would have been followed under the rules adopted for regulating such matters in the former Province of Canada. The hon. member for Lambton had not stated matters fairly or the facts correctly. In Manitoba there was, at the period alluded to, no law in regard to contested elections, and there was no other course than to follow the enactment applying to the late Province of Canada. The matter had been referred to the Committee on Privileges and Elections, and the House could not do anything in the matter before that Committee had reported, a report being rendered impossible by the absence of members of the Committee on the other side of the House.

**Hon. Mr. MACKENZIE:** The hon. gentleman had no doubt stated a part of the circumstance correctly; but he must bear in mind that he was then acting as the leader of the House, and must accept the responsibility attaching to

that position. It was very improper that in so young a Province one seat should be now unrepresented.

**Hon. Sir GEORGE-É. CARTIER** said that fault was entirely that of the other side of the House. The members of the Election Committee on that side had refused to act, and therefore caused the injustice complained of.

**Hon. Mr. BLAKE:** The memory of the Minister of Militia (Hon. Sir George-É. Cartier) seems to be failing him. He (Hon. Mr. Blake) during the last days of the previous session had suggested that steps should be taken to have the seats filled. It was the duty of Parliament to take such steps, and if there were no quorum of the Committee on Elections and Privileges, certainly the Opposition were not to blame for that. It had been referred to a Committee of the House simply to be burked, and Ministers being omnipotent had burked it accordingly.

**Hon. Sir GEORGE-É. CARTIER** was reading from the Journals of the House in reference to the action taken in the case of the elections of Lisgar and Provencher, when he was called to order by

**Hon. Mr. MACKENZIE** who observed that the discussion had no reference whatever to that subject.

**Hon. Sir GEORGE-É. CARTIER** hoped that the hon. member for Lambton (Hon. Mr. Mackenzie) would not try to confuse him. The question now stood in precisely the same condition as it did last session.

**Hon. Mr. HOLTON:** The Minister of Militia has admitted that he wished the matter to be referred to the Committee on Privileges and Elections, but he had failed to have it referred, and was therefore blameable.

**Hon. Sir GEORGE-É. CARTIER** said that the returns had been made up in such a way as to be no returns at all.

The discussion here came to an end.

**Hon. Sir JOHN A. MACDONALD** moved, seconded by **Hon. Mr. MACKENZIE** that when the House adjourns tomorrow it stand adjourned until Tuesday next, in order to afford the members an opportunity of joining in the celebration of the public thanksgiving on account of the recovery of His Royal Highness the Prince of Wales.

The motion was unanimously carried.

The House adjourned at 4.20 p.m.





April 12, 1872

## HOUSE OF COMMONS

Friday, April 12, 1872

The **SPEAKER** took the Chair at 1/4 to 4 p.m.

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*Prayers*

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**Mr. CUMBERLAND** the newly elected member for Algoma was introduced by the Hon. Sir John A. Macdonald and the Hon. Sir Francis Hincks, and took his seat.

**Mr. NATHAN:** I have the honor to move an Address in reply to the speech of His Excellency the Governor General, which Address, I feel convinced, will commend itself to every member of this House.

In being entrusted with the duty of moving this Address, I fully appreciate the compliment that has been paid the by Province to which I belong, and in performing the duty, I crave that indulgence which this House is accustomed to accord to those who address it for the first time.

The recovery of His Royal Highness the Prince of Wales must necessarily be a matter of congratulation to every loyal Canadian, and the demonstrations of joy and thanksgiving that have been evinced by British subjects throughout the world cannot fail of awakening pleasurable feelings in the breasts alike of her most Gracious Majesty, H.R.H. the Prince, and all the Royal Family.

It will be our duty on Monday to assist in giving formal expression to the sense of gratitude of the Canadian people to the Almighty for the great mercy He has vouchsafed us, and I feel convinced that in no part of Her Majesty's Empire will there have been a stronger or more sincere demonstration of joy than here.

We fully appreciate the necessity of the postponed meeting of Parliament, in view of the existence of grave considerations justifying that course. Again, since the last meeting of the House, has the peace of the country been disturbed by a threatened invasion of lawless individuals from the neighboring Republic. Thanks, however, to the promptness of the Government and the friendly action of the United States authorities, the evil was averted.

The facility offered by the vast extent and scattered population of this country, to evilly disposed persons, to enter upon such nefarious undertakings would appear to call for measures of protection at vulnerable points, and more particularly would this

appear to be the case at Fort Garry, where a body of militia should be retained to watch the safety of the community.

On the occasion I had referred to, as well as on previous occasions of a similar nature, the Canadian soldier had upheld his character for courage and endurance. Although circumstances prevented them meeting the disturbers of the tranquility of their country face to face, their discipline and energy were fully proved by their successfully overcoming the obstacles of a march to Manitoba, through such a difficult country and at a most inclement season of the year, in so short a period.

I am sure I only re-echo the feelings of all Canadians when I say that no reasonable expenditure on the part of the Government will be begrudged in defending the country from those outrages, and that the expenses that have been incurred in connection with the case in question, will be cheerfully voted.

I trust that the marked and ignominious failures of all the efforts these filibusters have yet made, will deter them from making any further attempts in the same direction.

We are glad to be informed that the Treaty of Washington which touched upon affairs of so much interest to this Dominion will be laid before the House, and that other communications bearing upon this important subject will be presented for our consideration, and I doubt not that the action taken will be that best calculated to serve the true interests of the country.

It must be universally gratifying to learn from His Excellency's speech that so many subjects likely to promote our best interests have received that attention which their importance demands, not the least of which is the question of Immigration.

It is most satisfactory to know that a scheme for the encouragement of that movement will be laid before the House which will doubtless have the effect of attracting a larger share of European emigration to these shores than has hitherto reached us, and which will help to populate this large Dominion extending from ocean to ocean, and capable of supporting so many millions of souls. Money devoted to such an object cannot be more advantageously invested—for population only is needed to make this Dominion one of the richest countries in the world.

The admission of British Columbia must also be a subject of congratulation to this House. By confederation with that Province you have secured a territory of 220,000 square miles, a land rich in

metals, rich in coal, rich in timber, rich in fish, whose valleys are natural pastures. A country that, with its enormous resources, must here long take its stand amongst the foremost Provinces of the Dominion.

Apart from the natural, the inherent wealth of the Province, you have by this connection secured an outlet for commerce on the Pacific seaboard, which must afford incalculable advantages and moreover such a measure was necessary as one of the steps in forming a compact nation out of a number of disunited Provinces which, with adverse interests, and with local prejudices and no machinery for counteracting these prejudicial influences, would never have commanded attention and respect, or gained that degree of prosperity which to-day characterizes the Dominion.

I need not say the House is fully prepared to make provision for the construction of the Canadian Pacific Railway, in accordance with the terms of union with British Columbia, as it is in fact a work of vital importance to the welfare of the Dominion.

Among the many advantages we may expect from the building of that road is the populating of the Great North-West, a country surpassing any on the continent as a wheat-producing district, and the giving to that fertile land markets both on the Atlantic and Pacific shores of this continent. It will further offer us the means of competing for, and probably securing the bulk of the trade between Europe and Asia, which must bring to the Dominion great accession of wealth, and so enable her to occupy the place to which she is entitled by her vast territory and favorable geographical position.

It is a source of gratification to learn that the preliminary survey of this road has been vigorously prosecuted. The extension of the canal system was a work of great importance, as well as a question of settling public lands in Manitoba and the North West Territory. The increase of the revenue of the Dominion was a matter for congratulation, indeed such increase was the best index of the general prosperity of the Dominion, for which the country was not a little indebted to the financial policy of the Government (*Hear, hear.*) It was highly gratifying to know that the work of consolidating the various Provinces had been carried out in a constitutional manner.

The hon. gentleman resumed his seat amid hearty applause.

**Mr. CARTER:** It would be impossible to find in the history of any Colonial Legislature that subjects of greater importance than those alluded to in his Excellency's speech have been submitted for consideration.

Of the many important subjects alluded to, I believe there is not one which commends itself more warmly and strongly to honorable members than the reference which has been made to the recovery of H.R.H. the Prince of Wales and the appointment of a day of thanksgiving. All parties, without distinction as to nationality, religion, or political creed, will give a hearty response to the words of His Excellency. We should feel it our duty to return our thanks

that it has pleased Providence to avert the threatened danger, and to restore to health the heir to the British Throne.

The next paragraph in the speech alludes to the postponement of the meeting of Parliament, and I have no doubt, Mr. Speaker, that we shall find that the delay was prompted by a desire to serve the best interests of the country.

The recent invasion of the young Province of Manitoba by lawless persons from the United States is next referred to, and we have reason to congratulate the country on the prompt and successful measures for resistance taken by the local authorities and by the Government in sending aid to the inhabitants of the Province in order to prevent any recurrence of similar troubles.

To the volunteers themselves too much praise cannot be given for the prompt and efficient manner in which they discharged their duty at a season of the year when it was considered almost impossible for them to surmount the difficulties of a march to Fort Garry.

The importance of the Treaty of Washington cannot be overrated. He must look back to the time anterior to the events which took place, and which resulted in the appointment of the High Commission. There was a great feeling of anxiety in the country owing to the unsettled state of the relations between England and the United States. Fortunately the clouds of war which threatened us have been dispersed, and the effect has been a quietening of the public mind and a restoration of the trade of the country.

It would be premature to enter into a discussion of the details; the time for that will be when the papers are brought down. It is evident, however, from the manner in which the treaty was framed that England had every desire to extend her protection to Canada, and to sustain us in our undoubted rights, and I think that we have reason to congratulate ourselves, that Her Majesty should have selected as Commissioner that distinguished statesman, Hon. Sir John A. Macdonald.

The subject of immigration is of such vast importance, and so intimately connected with the development of the country and its resources, that it should command the earnest attention of the Government. In connection with the extension of our canal system, the construction of a Pacific Railway and other public works, this question must also be considered of great importance.

With reference to the recent acquisition of British Columbia, I think that I am expressing the feelings of all when I say that we have reason to congratulate ourselves upon the event, and that we have now among us representatives of that distant Province.

From the statements made to us by the gentleman who so ably moved the Address (Mr. Nathan), we cannot doubt that the acquisition of British Columbia is of such vast importance to the new Dominion that it will well repay any outlay by the country in



April 12, 1872

carrying out the projected Pacific Railway. (*Hear, hear.*)

As to the finances of the country, it must be gratifying to all to know that our resources are such as to enable us to meet without embarrassment all the claims to be made upon us for the great public improvements foreshadowed in His Excellency's speech.

It is a strong evidence of the great advantages that we derive from Confederation—advantages, I may say, that were scarcely anticipated. I entertain no doubt that if these improvements are carried out we shall be able to assume the proud position of being considered a great Nationality, but still retaining our connection with the British Crown, to shine as one of its brightest jewels in time of peace, and be a source of strength in time of war.

**Hon. Mr. MACKENZIE** then rose and said he proposed to offer a few remarks upon the Speech from the Throne:

In the first place he begged to offer his congratulations to the two young members who had in so creditable a manner moved and seconded the Address, and to tender his own welcome to them to the House.

The admission of British Columbia was a matter of sincere congratulation to himself and to those who usually acted with him (*Hear, hear.*) because he believed it was a geographical necessity to the Dominion and in the interests of Canada that all branches of the British Family on this continent should be united under the same government.

He made those remarks the more readily because he was quite aware of the misrepresentations that had been circulated so industriously by some of the highest persons in that province during the recent elections, making it appear that there was a very hostile feeling on the part of the Opposition here to the acquisition of that colony.

Their opposition was not to the introduction of the colony, but to the proposition to impose conditions that were utterly impossible of performance and utterly beyond the resources of the country. Even the hon. gentleman opposite, who led the House, admitted it was impracticable—by the extraordinary resolution he proposed at the last moment, to let some of his followers down easily who were disposed to offer some resistance to the general measure.

With reference to the delay in calling the House together, he considered it a most extraordinary statement to make in the Speech from the Throne that at the instance of the Imperial Government the meeting of the House was purposely delayed. The House had a right to know what was the nature of those communications: whether the Imperial Government acted upon their own volition in the matter, or whether, which was more probable, they had acted upon suggestions from this side of the water that it would be extremely convenient if the Imperial Government would only say that it was

desirable the House should not be called together as soon as usual. (*Hear, hear.*) Such an instance had occurred before now, and he would not be surprised to find that, after all, the real reasons for the delay were of the most trivial character.

As to the Speech, he considered it remarkable only for the absence of important measures which the interests of the country required. In fact the policy of the Government could not be found in the Speech; they were obliged to go beyond the Speech to the speeches and pamphlets of Ministers outside the House to find out what the views of Government were.

One irrepressible member of the Government in a recent speech at Montreal declared that the Government had determined on deepening Lake St. Peter, yet there was no reference to that matter in the Speech.

There was another speech by a member of the Government to which he felt bound to refer. Before we had completed Confederation, before we had time to consider the means that we should take to develop our great resources, we found another member of the Cabinet deliberately discussing in public the probability and wisdom of an entire separation from the Mother Country, and the establishment of some other form of government more congenial, he presumed, to that hon. gentleman and some of his associates. (*Hear, hear.*) He alluded of course to the Secretary of State for the Provinces (Hon. Mr. Howe). In the extraordinary pamphlet issued by that gentleman, he found the following language:—

“I do not desire to anticipate the full and ample discussion which Parliament will give to England's recent diplomatic efforts to buy her own peace at the sacrifice of our interests, or of that ‘comedy of errors’ into which she has blundered, but this I may say, that the time is rapidly approaching when Canadians and Englishmen must have a clear and distinct understanding as to the hopes and obligations of the future.”

If Imperial policy is to cover the whole ground upon the faith of which our forefathers settled on and improved the land, then let that be understood and we shall know what to do.

But if shadows, clouds and darkness are to rest upon the future; if thirty millions of Britons are to hoard their ‘racial counters’ within two small islands, gather round them the troops and war ships of the empire and leave four millions of Britons to face forty millions and to defend a frontier of three thousand miles, then let us know what they are and our future policy will be governed by that knowledge.”

This was the most extraordinary and unjustifiable language ever held by a Minister of the Crown, and was utterly unwarranted by circumstances. That minister seemed to think that the forty millions on the other side of the line were a horde of barbarous savages

without any regard to public honour and decency, and ready the moment British troops were withdrawn to pounce on the Dominion and conquer it. (*Hear, hear.*)

While he (Hon. Mr. Mackenzie) was no republican, and while he believed that the United States had not acted as they should have done, yet he believed that such a sense of law and justice pervaded the mass of public men in that country, as would enable Canadians to repose in security after the British flag had ceased to float above them. (*Hear, hear.*)

The Secretary of State for the Provinces (Hon. Mr. Howe) anticipated something different. Had he any reason to believe that an invasion would take place? If so, he should make it public. The author of the pamphlet (Hon. Mr. Howe) had committed a most extraordinary mistake. He had supposed that nothing could enable them to exist on this continent if they had not man for man, and million for million with their neighbors. It was in reality a most unreasonable thing for the four millions in Canada to expect that its thirty-eight or forty million on the other side of the Atlantic Ocean should maintain a costly navy, chiefly on account of the Colonies, and at the same time maintain a strong army in Canada. (*Hear, hear.*)

He (Hon. Mr. Mackenzie) would not expect British tax payers should maintain a standing army in the North American continent to be, as Mr. Howe would insinuate in his speech, the sole means of defence against the irrepressible and suspicious people on the other side of the line. If the expressions in that pamphlet foreshadowed the policy of the administration; if they were looking to Separation, or Independence, or a new state of existence, or absorption into the neighbouring republic, let the Government say so boldly in the speech from the Throne and he would challenge them to the issue. (*Cheers.*)

The author of the pamphlet told them that one Cabinet Minister in England said that British America could not be defended. Well that was a mere question of strategy, the number of forts, and the lengths of the frontier.

The pamphlet also said that another English public man had stated that he wished to see the day when all the continent of America would repose and prosper under republican institutions. It was Hon. John Bright who said so, but he was not then a British Cabinet Minister. (*Hear, hear.*)

Mr. Bright never delivered such a sentence while he held a portfolio under the British crown. It was well known with what utter contempt gentlemen opposite once greeted every mention of the name of Mr. Bright; but now, when it suited their purpose, when it seemed to strengthen them in their policy of groping in the dark, they brought in the name of Mr. Bright in defence of their miserable policy. (*Applause.*)

It ill became a Minister of the Crown, like Mr. Howe, to

endeavour to destroy our sense of moral security. (*Hear, hear.*) If it were the intention of the Government at the instigation of a British Cabinet Minister, as Mr. Howe had insinuated, or at the instigation of foreign emissaries, as some might believe to alter the political relations of the country let that intention be placed boldly and fearlessly on record. (*Hear, hear.*)

He (Hon. Mr. Mackenzie) was quite aware that the Government was not alone in their views on that subject. The member for Lanark North (Hon. Mr. McDougall) recently delivered a speech in Hamilton on this matter. It was one of the curious instances of extremes meeting to find a gentleman like the Secretary of State for the Provinces (Hon. Mr. Howe) who, two sessions ago, was denounced by the member for Lanark North as a traitor, joining hands on the same platform with the gentleman who then denounced him. (*Hear, hear.*)

The member for Lanark North also informed his audience of the utterances of certain great personages in England as to our present and our future. When the English Government felt a disposition to speak on that matter he (Hon. Mr. Mackenzie), for one, would be prepared to consider it, but not till then. There was one important matter omitted from the speech. The seconder of the speech, the member for Brome (Mr. Carter) had said that the Treaty of Washington reflected the greatest credit on the distinguished statesman who represented Canada but where was the policy of the Government as to the Treaty set forth in the Speech?

The member for Brome would probably find that there was considerable difference of opinion as to the merits of the distinguished statesman when the House came to discuss the Treaty. The Member for Brome would be surprised to find that a majority of the House entertained a different opinion from his on that point.

In discussing the proposition to have the Commissioners re-assembled and the Treaty re-discussed, the *London Times* said: "that proposition might be entertained, but it must not be re-discussed by the same Commissioners." (*Hear, hear.*)

That House, as far as its Commissioner was concerned, would echo that sentiment. However, they might make allowance for the ignorance and incapacity of English statesmen. Coming to Canada, they could find no such excuse for the gentleman who represented the Dominion on that Commission. That seemed to be the opinion that prevailed with regard to the Treaty. There was no public man in England at the present moment who had given his opinion on that subject but had lamented the errors into which the Commissioners had fallen in respect both to Imperial and Canadian interests. He need not go further than the Secretary of State for the Provinces himself. He had said that the Treaty as concluded was a "comedy of errors." (*Laughter.*)

These opinions on the Treaty would convince the member for Brome that he had made a mistake when he spoke of the credit that should be given to a "distinguished statesman." They had also the



April 12, 1872

authority of another Minister of the Crown on the treaty, whose opinion was pronounced on one of these festive occasions when they were more free than on others. Mr. Langevin had spoken at Quebec on the subject and had stated that the Canadian Commissioner and Canadian Government had reacted energetically against the treaty.

Mr. Langevin had also stated that Sir John A. Macdonald had been compelled to sign the Treaty. If that were the opinion of the Ministry, why had they not ventured to expound their policy in the Speech from the Throne? As to the remark of Mr. Langevin that Sir John A. Macdonald was compelled to sign the Treaty, he (Hon. Mr. Mackenzie) would remark that the general Instructions of the British Government did not contemplate the necessity or possibility of the whole of the Commissioners signing that Treaty.

The Instructions said expressly that the Treaty was to be signed by the commissioners or by a majority of them. (*Cheers.*) The “distinguished statesman” could not claim much credit for the Treaty against which he had protested. It did not reflect much credit on him to have signed a Treaty in which he did not believe. (*Hear, hear.*)

There was another serious omission in the Speech from the Throne. In consequence of the action of the Government some years ago—an action by which the Secretary of State for the Provinces was pitch forked into his seat and another gentleman into the Senate—in consequence of this action a course was pursued in reference to Nova Scotia which he (Hon. Mr. Mackenzie) believed to be entirely illegal and contrary to the Constitution, and would inevitably lead to future demands.

The Opposition had proposed the appointment of a Commission of Inquiry to inquire into the grievances complained of, and to prepare a general measure which would be submitted to the Imperial Parliament for the purpose of reconstructing the terms of the Confederation Act. Had their advice been followed, the present difficulties would never have arisen.

But to appease the complaining province for a time, the Government deliberately violated the terms of union. What was the natural consequence? New Brunswick felt aggrieved that she had been treated differently from Nova Scotia, and so they had Commissioners from New Brunswick visiting the Government, and it was understood that the Government had given them every reason to believe that some accommodation would be effected.

If that was the intention of the Government, why was there no mention of it in the Speech? If New Brunswick was not fairly treated he was prepared to consider her case, as he had been prepared to consider the case of Nova Scotia, and to give a just verdict. (*Applause.*)

He held that it was not proper for that House to violate the terms

of union. If it did so, they would have Quebec next complaining, and Ontario could not lag behind. Ontario might come in with her protest, and perhaps they might be able to show a strong case of injustice in the case of the great Province, one of whose constituencies he had the honour to represent.

As the matter now stood, the New Brunswick gentleman had either been deceived by the Government or the Government was deceiving the House. (*Hear, hear.*) Which was the correct position? That was a question for the House to decide. At present there was no possibility of trying Election cases from remote provinces. He asked the gentleman from British Columbia who moved the Reply, to consider what the consequences would be if there had been an equality of votes in the election in which he was concerned. Owing to the want of such a law, there was at present a seat vacant in the House. They had a general election coming on, and still there was no Controverted Election Law, no means by which to secure the parity of elections. (*Hear, hear.*)

Where also was the Supreme Court bill—a bill that was deemed so essential to the proper administration of justice in the provinces? There was no mention of it whatever. In truth, the policy of the government was a meager bill of fare. (*Laughter.*)

Mr. Mackenzie went on to refer to the conduct of the Lieutenant-Governor of Manitoba (Mr. Archibald), in reference to the obstacles he had thrown in the way of immigrants coming from Ontario procuring lands on which to settle. He referred to the letter of Mr. McMicken in illustration of the extraordinary state of things that prevailed in Manitoba.

He then went on to say that in the case of Mr. Archibald they had the extraordinary spectacle of a representative of the Crown venturing in the face of day to shake hands with a man who had been the head of what Colonel Wolseley had called a gang of banditti, a man who had taken the life of a loyal subject of the Queen. That was a matter the Government should have dealt with; but the Government had taken no notice of it, and it had been stated that Mr. Archibald had resigned. But a man capable of acting as he had done should not have had the chance of resigning, he should have been dismissed immediately from the position he had disgraced as a representative of the British Crown.

**Hon. Mr. HOLTON:** He may have followed instructions.

**Hon. Mr. MACKENZIE** said that he would ascertain that fact, as he intended to move for the instructions. He then proceeded to refer to that portion of the Speech from the Throne which had reference to the improvement of navigation. It would be desirable to know what the precise scheme of the Government was; whether it was their intention to attract the commerce of the West, whether they would so deepen our waters as to enable vessels to cross the ocean full laden or to enable them to discharge full cargoes at tide water, thence to be transhipped to Europe.



On the subject of the improvement of navigation he could cordially agree with the Government if their scheme were such as to commend itself to the intelligence of the commercial men of the country. Yesterday, in asking for papers in relation to the Treaty the leader of the Government (Hon. Sir John A. Macdonald) indicated his determination not to discuss the Treaty at the present time. He (Hon. Mr. Mackenzie) was not at all certain if the Treaty should not be discussed wholly by itself. The extreme hostility manifested by the whole country to the policy that had laid the country prostrate at the feet of the American Government would justify an extensive and deliberate debate, even before entering on the Address.

The rule of the House, however, would not allow him to enter a discussion of the Treaty on its merits until the papers were produced. He had no observations to make, further than this, that he should only express his extreme regret that the Secretary of State, and the Government had severally conspired to shake the confidence of the country in the institutions under which they lived and prospered. (*Loud cheers.*)

**Hon. Sir FRANCIS HINCKS** said it was not his intention to follow his friend who had just spoken through all the matters of which he had spoken but merely to speak of a few.

With regard to the construction of the Pacific Railway as one of the conditions of the union with British Columbia and the statement that the resources of the country were inadequate, and the carrying out of that project, he wished to say that the contrary was the fact, and that the Minister of Militia was entirely correct in stating on a former occasion that that work could be constructed without adding to the burdens of the country.

With regard to the late calling together of the House he was surprised that the gentleman who had preceded him should express ignorance of the reasons for that occurrence for surely every one could see in the important questions connected with the Washington Treaty every reason for postponement of the meeting of Parliament. Congress had been sitting four months and had not arrived at a decision, and when the Imperial Government requested delay surely every one would see how important it was that in a question of such import, the Imperial and the Canadian Governments should be in perfect accord. The member for Lambton (Hon. Mr. Mackenzie) had spoken of a statement made at Montreal that the Government would undertake the deepening of Lake St. Peter, but if he took the statement made with the terms of the Speech the only inference was that such a work would not devolve upon the Dominion Treasury though the Government would be disposed to co-operate in the carrying out of the work.

With regard to the Speech of the hon. gentleman, his colleague (Hon. Mr. Howe), he would venture to say that he would be able to defend himself at the proper time. He (Hon. Sir Francis Hincks) had not always concurred in the views of the Secretary of State for the Provinces, but no one knowing him, would charge him with such views as those imputed to him by the hon. member for Lanark

North (Hon. Mr. McDougall). He felt sure that the views of the hon. gentleman were not dissimilar to those of a member of this House expressed in a London newspaper, the writer of which had preserved his incognito.

**Hon. Mr. MACKENZIE:** Who was the writer?

**Hon. Sir GEORGE-É. CARTIER:** The member for Lambton (Hon. Mr. Mackenzie).

**Hon. Sir FRANCIS HINCKS:** With regard to the speeches on the subject of the Washington Treaty occasionally made by members of the Government who have escaped from the control of his hon. friend, the First Minister (Hon. Sir John A. Macdonald), he had been one of those persons who had made one or two speeches on the subject and he would be happy indeed to find any one on the floor of that House who would grapple with the course he took.

There were two distinct subjects. The merits of the Treaty itself would have to be dealt with by that House, but there was another question which had been very much discussed during recess, that was the responsibility of the Canadian Government because his honorable friend the First Minister signed that Treaty. He was astonished to hear the hon. member for Lambton (Hon. Mr. Mackenzie) refer to that clause which said that the Treaty might be signed by a majority of the members of the Commission. The hon. gentleman must know that that clause was put in, that in case of death or unavoidable absence, there might not be a failure in the negotiations.

The hon. gentlemen (Hon. Mr. Mackenzie) and the language of the leading newspaper of his party, indicate them to have very extraordinary and wrong ideas in regard to the manner in which diplomatic proceedings are conducted, and he would explain to the House that when his hon. friend the First Minister was invited to take a seat on the Commission what would have been his duty were the assumptions of the hon. gentlemen opposite right. Why the first thing he should have done would have been to state that he would not take a seat on the Commission, unless upon the distinct understanding that he should not be bound to sign any Treaty which he did not agree to.

Had his hon. friend done that, but had sat on the Commission with the intention of not signing the Treaty, did it not meet his views he would have acted to the Imperial Government in a most dishonourable manner. He (the First Minister) knew perfectly well the conditions upon which he had to go there. Had he put such a condition as the hon. gentleman on the other side of the House would have had him to do, is there any member of this House who believes that the Imperial Government would have appointed him a commissioner?

It was of great advantage to Canada to have a Canadian on the Commission on the same conditions as the other Commissioners, viz: to obey the instructions of the responsible Minister of the

April 12, 1872

Crown in England. The views and interests of Canada had been presented with fidelity and zeal by the First Minister, and it is most satisfactory to know with regard to the proceedings of this Treaty that there has been perfect accord among the thirteen members of the Canadian Government.

Leading statesmen in England on both sides of the House had thrown the responsibility on the Government. Mr. Disraeli on the Opposition side had charged the Government with the responsibility of the Treaty, which Mr. Gladstone immediately accepted, and it was unfair to throw the responsibility on his hon. friend, the First Minister, who came to the House as free as any other member to take whatever course he should think best in regard to the Treaty, and he felt sure that when the papers relative to the Treaty were laid before the House it would be shown that the Ministry have faithfully discharged their duty to the country and to the House, and it would be seen that the words of the Minister of Public Works (Hon. Mr. Langevin) spoken at Quebec, expressed the views of every member of the Cabinet, and that they did not agree with the Treaty, but the course they had taken could not be discussed until the papers were brought down. The hon. member for Lambton (Hon. Mr. Mackenzie) had referred to so many subjects that he (Hon. Sir Francis Hincks) could not answer them all, but had no doubt they would be replied to during the debate.

**Hon. Mr. HOLTON** said he could not allow the doctrine laid down by the Minister of Finance (Hon. Sir Francis Hincks) to pass without his earnest protest. He had supposed that the absurd grounds taken on behalf of the Premier in the press, that he had merely signed the Treaty in a perfunctory manner, following the instructions of the Imperial authorities, would not be taken there.

He had inferred from the terms of the Speech from the Throne that the Premier and his colleagues had accepted the full responsibility of the Treaty, that they had taken the ground that the Premier of Canada was responsible to the Parliament of Canada, and to no other power, in dealing with the interests of Canada, in the appointment conferred upon him, and only by reason of his position as the First Minister of Canada. Why was he appointed on the Joint High Commission, if not for the simple reason that he was supposed to have the confidence of the Parliament of Canada?

By reason of his official position it had been declared over and over again that the Imperial Government sought to protect our interests by placing on the Commission the First Minister of Canada and yet they were told today that he did not represent Canada, that he went there as the mere creature of the Imperial Government, having no responsibility to them.

That doctrine had been boldly averred by the Finance Minister (Hon. Sir Francis Hincks), and he (Hon. Mr. Holton) could not allow the debate to close without protesting earnestly against it. He held that no power on earth could have controlled the Prime Minister of Canada in respect to Canadian interests, as to how he should act, other than the Parliament of Canada to whom he was

responsible for all his acts. He would like to hear the Prime Minister himself affirm that he did not hold the doctrine expressed by his colleagues, because whatever diversities of opinion there might be as to the merits of the Treaty, he was convinced that Parliament, friendly though it were to gentlemen opposite, would not hesitate to affirm, when the proper time arrived, the doctrine which (Hon. Mr. Holton) had laid down.

Referring to the remark of the Finance Minister (Hon. Sir Francis Hincks) that the meeting of Parliament had been delayed in consequence of difficulties that had arisen with respect to the Washington Treaty, he (Hon. Mr. Holton) said those difficulties did not arise until after the time when Parliament ought to have been called. Parliament should have been called by the fifteenth of February, and the proclamation convening it should have been issued thirty or thirty-five days before that time, whereas no difficulties arose till after the fifteenth of February.

The Government could not, therefore, plead that excuse for delay. In England it was customary to call Parliament together when any special difficulty arose, and a delay in calling Parliament on account of a difficulty was a thing unknown; they assuredly were competent to deal with their own interest and it was placing Parliament and people of the country in a most humiliating position to be told that they were not left to deal with their own interests as a Parliament because some difficulty had arisen between the Imperial Government and the United States in respect of the Treaty. If the House had met on the fifteenth of February they would still have been in session, and any new phase of the question could have been communicated to them.

With respect to the position of the Secretary of State for the Provinces (Hon. Mr. Howe) he took the ground that a Minister of the Crown could not separate himself from his official capacity in the discussion of political matters. He maintained that all the Ministers were responsible for the utterances of the Secretary of State for the Provinces in respect of a very important subject, assailing the very foundations of their political system if they consented to remain colleagues of his after the utterance of those sentiments.

What were those utterances? If they had any significance whatever, they pointed to a revolution in Canada. The two great complaints against England in that speech were: she had withdrawn her troops, an unreasonable complaint, and that she had bartered our interests in the Washington Treaty, though that treaty was signed by his own political leader.

These were the two grave complaints against England, on which Mr. Howe founded—if, indeed, his language meant anything at all—a proposition to sever the connection, because the whole drift of his argument went to show that it was quite impossible for them to maintain their position in connection with the Empire under the present policy of the Empire. For that argument the hon. gentleman's colleagues were equally responsible with himself. That



was sound constitutional doctrine, and could not be successfully controverted.

With reference to the speech of the Minister of Marine (Hon. Senator Mitchell) at Montreal, undoubtedly the general inference in Montreal from it was that the deepening of Lake St. Peter would be placed upon precisely the same footing as those other improvements which were referred to in the Speech from the Throne. But the point he wished to make was, that there was an important variance between the Speech from the Throne and the utterance of Ministers. He regarded the utterances of the Minister of Finance (Hon. Sir Francis Hincks) and the Minister of Public Works (Hon. Mr. Langevin) on the Treaty as at variance with His Excellency's Speech, which indicated that the Government had determined to take the true constitutional course and accept the responsibility for the Treaty. He would like to hear from the Premier on that point, and to be told by him that he did not endorse the monstrous doctrines—doctrines entirely subversive of colonial rights—laid down by the Minister of Finance.

**Hon. Mr. McDOUGALL (Lanark North)** thought he saw nothing that should delay the action of the House in respect to the Address. He had hoped that the practice of passing the Address without debate would be followed by this Parliament. The hon. member for Lambton (Hon. Mr. Mackenzie) had discussed at considerable length questions which he could not agree to. With respect to the Treaty of Washington referred to in the Address, they were promised so much of the correspondence as could, with due regard to Imperial and Canadian interests, be laid before them. The question is one of great importance, and we could easily see that it might be highly expedient that there should be some reserve in discussing the question. The House would look with great anxiety for such correspondence as the Government may think it expedient to submit. He had no hesitation in saying, that after reflecting upon the subject, and having discussed it with his constituents he felt it his duty to say at once that he was prepared to ratify the Treaty of Washington.

If he understood the Finance Minister (Hon. Sir Francis Hincks) that the Government is prepared to throw any obstruction in the way of or prevent the full ratification of the Treaty he felt sure that many in that House would be opposed to them. He dared say that the correspondence when sent down would show that everything had now been arranged satisfactorily to Canada. He did not hold himself responsible as a Member of that House for opinions which he had expressed at various times, and at Hamilton recently as a private citizen, but he would say that we should accept the Treaty as a portion of the empire, or be prepared to change our political relations with the Mother Country. He considered the speech or pamphlet of the Hon. Secretary of State for the Provinces (Hon. Mr. Howe) very injudicious, as coming from a gentleman holding a Ministerial office.

**Hon. Sir FRANCIS HINCKS** rose to explain that the hon. gentleman on the opposite side had misunderstood him as saying

that the Government was opposed to the Treaty, what he intended to convey was that the Government as a whole were opposed to the Treaty, but that since the signing of the Treaty a correspondence had been going on with the Imperial Government on the subject, and that on the correspondence coming down, the House would see that the two Governments were in entire accord.

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## AFTER RECESS

**Hon. Mr. McDOUGALL (Lanark North)** in resuming the debate said he would not continue his remarks further as he thought it inexpedient that the House should discuss the question of any change of constitution at the present time. They were there to pass the laws necessary in the interests of the country.

He was very well satisfied with the terms of the Address and the indications of the policy of the Government, although many important measures which the circumstances of the country required, and which ought to be dealt with during the present Session were not mentioned but no doubt these measures would be submitted as the session progressed. He concluded by particularizing a law for the trial of controverted elections as especially necessary.

**Mr. STREET** said he wished to make a few remarks on the paragraph of the speech respecting the canal system. Great agitation had prevailed through the country on the subject and he considered that the declaration made in the speech that the matter would be vigorously taken up would give very great satisfaction, and he trusted that the promise given would be carried out fully by the Government, and he was sure that they would be fully sustained by the House in voting any money for the carrying out of any satisfactory schemes.

**Mr. MASSON (Terrebonne)** said he rose to take exception to a remark made by the hon. member for Lambton (Hon. Mr. Mackenzie) in designating Mr. Riel as a leader of banditti.

He contended that so far from this being the case he was the leader of the whole French population of Manitoba, and said that if he wished he could at the present moment be returned to Parliament for half the counties in the Province. He did not wish to defend what Mr. Riel had done, but there was great injustice in the term made use of by the member for Lambton.

He then referred briefly to the withdrawal of the troops, maintaining a statement which he said he had previously made that that withdrawal had caused very great dissatisfaction among the people of Canada, and cited the report of the Hon. Mr. Campbell on the subject in his support.



April 12, 1872

The Address was then passed paragraph by paragraph.

**Hon. Mr. HOLTON** thought that before the question closed they had a right to hear from the leader of the Government something respecting his action in subscribing to the Treaty of Washington—and especially as to the constitutional question of the responsibility or otherwise of himself and his colleagues in the matter. He (Hon. Mr. Holton) held that the hon. gentleman went to Washington in the capacity of Minister for Canada, and for the one purpose of representing and protecting Canadian interests, and in that capacity for whatever he did or forbore to do, he was responsible to that House.

**Hon. Sir JOHN A. MACDONALD** was sorry he could not respond to the request of his hon. friend, as he thought it would be highly inexpedient and not for the public interest or the advantage of the House to enter into the matter now. If the question was of such grave import it should not be discussed until the papers were fairly before the House.

As to the constitutional question the Government and every individual member of it were responsible to the House and the country for what they did as a Government.

As to the question of his personal responsibility and whether his position as a member of the Government and a Commissioner involved a twofold responsibility he must decline to discuss it until the whole course of the Government in regard to the Treaty and of himself, incidentally, was laid before the House. Then he would be ready to discuss the matter to the fullest extent.

He then moved for a Select Committee to draft the Address to His Excellency.

The motion carried and the Committee presented the Address, which was ordered to be engrossed and presented to His Excellency by such members as were of the Privy Council.

The House adjourned at 8.20 until Tuesday next.





April 16, 1872

## HOUSE OF COMMONS

Tuesday, 16th April, 1872

The **SPEAKER** took the chair at 3 o'clock.

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*Prayers*

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**Mr. DUGAS** Member for the Electoral District of Montcalm, having previously taken the Oath, according to Law, and subscribed before the Commissioners the Roll containing the same, took his seat in the House.

### ROUTINE BUSINESS

**Hon. Sir FRANCIS HINCKS** submitted, by command of His Excellency, the public accounts.

**Hon. Sir JOHN A. MACDONALD** moved, seconded by the **Hon. Sir GEORGE-É. CARTIER**, for a Committee to appoint the Standing Committees, composed of the leading members of both sides of the House, which was carried.

**Hon. Mr. MACKENZIE** —Address—Correspondence—Disposition of Crown Lands in the Province of Manitoba, and etc.

**Hon. Mr. MACKENZIE** —Address—Tenders submitted for construction of Pacific Railway.

**Hon. Mr. MACKENZIE** —Address—Correspondence with Lieut. Governor Archibald and Mr. McMicken. Land Commissioner, regarding Fenian Invasion of Manitoba, and etc.

**Hon. Mr. MACKENZIE** —Address—Reports of engineers or others—Location of Canal across St. Clair Flats by Government of the United States.

**Mr. FOURNIER** —Address—Correspondence—Refusal of Judge Bossé to comply with order to reside at Montmagny.

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### CROWN LANDS IN MANITOBA

**Hon. Mr. MACKENZIE** in moving for the correspondence regarding the disposition of Crown Lands in the Province of Manitoba, said: It would be recollected by the House that very great difference of opinion existed in the House at the time of the discussion on the Manitoba bill as to the effect which setting apart 1,400,000 acres of land would have upon the settlement of that

Province. A gentleman on this side of the House asserted at the time that the Bill, as passed, providing for so large a reservation, would be quite certain to produce complications of a very difficult and disagreeable character in that Province. These anticipations were realized, as every one knows who has paid any attention to the course of events immediately after the opening of the season last year, a large number of people emigrated from the old Province of Canada to the new Province and found themselves in a position of very great difficulty.

The officer administering the Government of that province declined to take any measures whatever to enable these people—who had gone under circumstances of great hardship and difficulty to settle there—to secure land; but affirmed his determination of securing to those for whom these reserves were intended the first choice in locations, even though the emigrants had taken possession of and settled upon the land. He had letters in his possession showing that many of these people were driven from the ground which they had improved by some of these Half-breeds, who claim the land merely by virtue of walking round it, or asserting that it was to be given to them and to their friends.

They did not desire that any preference should be shown to any person, whether an emigrant from the late Province of Canada or a resident of Manitoba, but thought that those who had taken up their locations should be confirmed in their possession. Many of them had been obliged from the position in which they were placed to cross the border and settle in the United States. Other had been advised by himself and his friends to take the land, and if Governor Archibald under instructions from Ottawa should refuse to them the right that they had to take possession, they should dare him to remove a British subject from the soil. (*Laughter.*)

**Hon. Sir JOHN A. MACDONALD** in reply said that there would not be the slightest objection to the motion of the hon. gentleman being adopted by the House. The papers would be sent down. He would, however, say with reference to the remarks of the hon. gentleman, that the Government think they have taken every step possible for them to take for the purpose of expediting the survey and settlement of that country. It would be remembered that before Canada had obtained possession of the North West, and while it was still under the sovereignty of the Hudson's Bay Co., the Canadian Government had asked the Company to permit them to send in surveyors for the purpose of laying out townships, etc., so that everything would be ready for the large immigration expected there, and that those surveys had made considerable progress when they were stopped by the inhabitants of the country.

It would also be recollected by the House that the first thing done

by the Government after the union of the North West with the Dominion, was to send in as many surveyors as could be procured for the purpose of preparing a country for settlement. These surveys could not be done in a moment, they required both time and skill. Meanwhile, as settlers were going in, and in order that they might at once take up lands, an Order in Council was passed, providing that any person going there and taking possession of land should, under certain regulations, be supported in that possession. This Order in Council was afterwards put in the form of a notice which runs thus:—

“Parties found upon the lands at the time of survey, having settled upon and improved the same in good faith, as settlers under the land regulations, will be protected in the enjoyment thereof, whether the same be pre-emption or homestead right, provided they respectively enter for such right with the land officer, and otherwise carry out the provisions of the said regulations in that behalf, within three months after the survey shall have been made.”

Every man therefore going to that country had a right to select his own location and on the conditions named in the notice being fulfilled his right would be maintained. In order that there might be no mistake instructions were also given as to the mode of running the base lines so that they would not be afterwards disturbed in their improvements. The instructions were as follows:

“In settling on the lands parties will require to bear in mind the system of survey adopted, by which the lines run due East and West, and North and South, and the 160 acres or quarter section is an exact square of half a mile each way, under which system alone pre-emption or Homestead rights, based upon settlement previous to survey, will be recognized.”

Under these orders every emigrant had a right to go into possession.

The hon. gentleman had said that some of these persons had been disturbed. That might be the case and if any such outrages had taken place they were greatly to be regretted. But it must be remembered that the country had been in a very troubled state. One portion of the population had been against the other, and an armed resistance had been offered to the authority of Ruperts Land. The troubles rising out of this state of things could not be expected to disappear at once. Such outrages however if they did occur were not likely to occur again.

He had every reason to believe that every man entering into peaceable possession of the soil would be protected by the law and by the Government and would be free from disturbance of any kind. Upon the opening of navigation at least fifty surveyors would be sent into the country. The whole of the Province of Manitoba (except that portion of it near the boundary line between the United States and the Province, which line has not yet been fixed) would be surveyed in the course of the present year, as would also at least 100 townships outside the Province, in that portion of the country where treaties have been made with the Indians.

**Hon. Mr. MACKENZIE** asked whether Governor Archibald's Proclamation of June 9th, 1870, was issued with the consent of the Government; if not, whether his attention was called to the violation of law and order in that proclamation.

**Hon. Sir JOHN A. MACDONALD** replied that if the hon. gentleman would give notice of his question, he would get a full answer.

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### PACIFIC RAILWAY

**Hon. Mr. MACKENZIE** in moving for copies of all tenders or proposals for the construction of the Pacific Railway, and for copies of Orders in Council relating thereto, said that it was of the greatest importance that any such tenders or proposals received by the Government should be laid before the House as soon as possible. He had a precedent for this in the case of the Intercolonial Railway, when a similar motion was made, and the papers were brought down. He thought it was very unfortunate that some of them were not accepted, instead of adopting the course the Government did.

**Hon. Sir JOHN A. MACDONALD** would say that there were no such propositions in the strict sense of the word. A letter had, however, been addressed to himself, which, as it was marked private, might be considered as a quasi-official document. This letter was signed by Sir Hugh Allan on behalf of himself and certain other gentlemen, and contained a proposition for the construction of the railway, but as he had understood from the gentleman that he was desirous of substituting another proposition, he (Hon. Sir John A. Macdonald) would not like to bring down the letter without the writer's consent.

**Hon. Mr. MACKENZIE** asked whether there were any other quasi-official proposals.

**Hon. Sir JOHN A. MACDONALD** replied that there were not and there were no Orders in Council on the subject.

The motion was then withdrawn.

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### FENIAN INVASION OF MANITOBA

**Hon. Mr. MACKENZIE** moved for the correspondence regarding the Fenian invasion of Manitoba and the intercourse of Lieutenant Governor Archibald with Louis Riel, the leader of the Rebellion in the Territory, and said it had been stated in the papers coming from that province at the time of the invasion of the country, by one of Riel's former associates, O'Donoghue, that Riel himself was one of the parties who had promoted the invasion of the Fenians, and in a letter from Mr. McMicken, published in the papers, it was stated that he (Riel) had induced a number of his friends to abstain from responding to the call of the Governor upon the people to assist in expelling the invaders. It was also stated that



April 16, 1872

this personage presented himself with a number of his followers, close to the residence of the Lieut. Governor, and that he (the Lieut.-Governor) had received and embraced him for whose arrest it was said he had previously issued a warrant. He would probably call the attention of the House to the matter again and in another way. He based his motion on the statements made in the newspapers and Mr. McMicken's letter, and would reserve further remarks until the papers were brought down.

He (Hon. Mr. Mackenzie) would however ask whether it was not due to the House that the circumstances connected with the withdrawal of Lt. Governor Archibald should not be stated to the House. It was the first instance of the kind that had been before the House, and he desired to know whether that retirement had been produced by any correspondence from the Dominion Government, or whether it was the effect of the public events in the Province upon the Lt. Governor's mind.

**Hon. Sir JOHN A. MACDONALD** said that the papers would be brought down. He would say, however, that it would have been better if the hon. gentleman had reserved all his remarks. He had said just enough to show the animus which dictated the motion. He (Hon. Sir John A. Macdonald) would not be drawn prematurely into showing anything like a contrary animus, but would allow the matter to stand until the papers were before the House. As to the resignation of Governor Archibald, he would say that he, (Hon. Mr. Mackenzie) was very unguarded in his mode of expression, in his allusion to the withdrawal of Governor Archibald. There had been no withdrawal by the Government. The resignation by Mr. Archibald was an act of his own, without suggestion or indication from the Government. Mr. Archibald was appointed during his (Hon. Sir John A. Macdonald) illness, but he afterward fully recognized the wisdom of the appointment and still did so. Under the circumstances of the case of having to go into the country with an army at his back, it was not an enviable appointment and he went there purely from a sense of duty and at the strong instance of the Government.

At the time of his going he made it a condition that he should return at the end of a year, and in December last he (Hon. Sir John A. Macdonald) received a letter from Mr. Archibald stating that the year had more than passed, and that he desired to be relieved and enclosed his resignation. He (Hon. Sir John A. Macdonald) did not consider it advisable to recommend its acceptance, but since then Mr. Archibald has pressed for it in such a manner that no option was left to His Excellency's advisers, but to advise the acceptance of the resignation.

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#### ST. CLAIR FLATS CANAL

**Hon. Mr. MACKENZIE** moved for copies of papers relating to the location of the Canal across the St. Clair Flats. He alluded to certain events that took place at Washington in connection with the Treaty, which showed that the Canadian Government had tacitly

acknowledged that the United States held dominion over that portion of the lake. Every person acquainted with the navigation of the Lake and River St. Clair, knows that the Canal is built on Canadian property, and he therefore desired information on which the action of the Government was based. The result will be that if this canal is recognized as being upon American ground, there will be no possibility of a Canadian vessel finding its way from Lake Huron to Lake Erie if the Americans choose to close the Canal against us.

The motion was carried.

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#### RESIDENCE OF JUDGES

**Mr. FOURNIER** moved an address praying for the correspondence inspecting the refusal of Judge Bossé to comply with the order to reside at Montmagny.

**Hon. Sir GEORGE-É. CARTIER** said the correspondence would be brought down.

**Mr. BEAUBIEN** admitted that the district was injured by the non-residence in it by Judge Bossé, but thought that Mr. Fournier's remarks were prompted by party spirit. He thought it only right that the Judge should be made to reside at Montmagny.

**Hon. Mr. HOLTON** said that the object of the motion was not merely to obtain the correspondence in the matter but to elicit some statement from the Government as to what they intended to do in the matter, and he thought it only fair that the Government should state distinctly the real position of the question. He had heard the matter discussed elsewhere, and he believed the Judge was requested by the Quebec Government to take up his residence according to law within the limits of his District, but that he had hitherto refrained from doing so. He (Hon. Mr. Holton) was not able to say whether the Judge had actually refused to do so, but what the member for Bellechasse desired to ascertain was, what the Minister of Justice proposed to do and what redress would be afforded to the District which had suffered from the failure of the Judge to perform the duties required by law? There was a difference of opinion as to which Government had control of the Judges in such matters, but while the Local Government had undoubtedly power to assign the duties of the Judges and their Districts whenever there was a failure in discharging the duties, redress could only be sought through the Government in which the power to impeach Judges rested, namely, the Dominion Government, and the appeal therefore lay primarily to the Minister of Justice, and ultimately to the House. He thought the real point had not been met by hon. gentlemen opposite, who had merely assented to a formal motion without meeting its real features.

**Hon. Sir GEORGE-É. CARTIER** said the motion was simply for any correspondence on the subject, and the Government were not called upon to answer any further question. If, when the papers were brought down the mover desired to obtain any statement from



the government on the subject, they would then meet him in the matter.

The motion was then carried.

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### CONTROVERTED ELECTIONS

**Hon. Mr. BLAKE** asked whether it was the intention of the Government to introduce during the present session a measure providing for the trial of controverted elections; and if so, whether they intended to provide that these trials should take place before judges.

**Hon. Sir JOHN A. MACDONALD** replied that a measure

would be introduced for the trial of controverted elections in Manitoba and British Columbia only, and with regard to the latter part of the question, the trials would be conducted in the same manner as in Ontario and Quebec.

**Hon. Mr. BLAKE** then gave notice that he should move that the trials should take place before judges.

In reply to Hon. Mr. Mackenzie,

**Hon. Sir JOHN A. MACDONALD** stated that the papers respecting the Washington Treaty would be laid before the House to-morrow.

The House then adjourned at 4.20.

April 17, 1872

## HOUSE OF COMMONS

Wednesday, April 17, 1872

The **SPEAKER** took the chair at 3 p.m.

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*Prayers*

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### ROUTINE BUSINESS

A message from His Excellency, transmitting copies of the Census returns for the information of the House, was read.

**Hon. Sir JOHN A. MACDONALD** intimated that papers relating to the Treaty of Washington would be submitted to the House tomorrow.

**Hon. Sir FRANCIS HINCKS** submitted a statement of expenses of the Manitoba expedition, and also a return of miscellaneous expenses.

**Hon. Sir JOHN A. MACDONALD** gave notice that he would move the reading of the journals relative to the double election returns in Manitoba, with a view to its reference to a committee tomorrow.

**Hon. Sir JOHN A. MACDONALD** gave notice that tomorrow he (Hon. Sir John A. Macdonald) would move for concurrence in the joint Address with the Senate respecting the recovery of His Royal Highness the Prince of Wales.

**Mr. SAVARY** put the following question: Whether the Government intended to include in the Estimates, for the ensuing year, a sum for the erection of a Bell Buoy on Trinity Ledge at the mouth of St. Mary's Bay, in the Province of Nova Scotia, the scene of frequent and yearly loss of life and personal property, with the increasing commerce and navigation in that portion of the waters of the Dominion?

**Hon. Mr. TUPPER** said the matter was under consideration.

**Mr. SAVARY** further asked: Whether the Government intend to place in the Estimates, for the ensuing year a sum for the erection of a new and suitable lighthouse at the entrance to Annapolis Gut, in the Province of Nova Scotia, in place of the present building ridiculed in "Blunt's American Coast Pilot" as "an object of pitiful and useless economy"?

**Hon. Mr. TUPPER** said the Government were more inclined to place lights where there were at present none existing. At all events it was not now the intention of the Government to do as the hon.

gentleman seemed to wish.

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### MANITOBA'S NEW GOVERNOR

**Hon. Mr. HOLTON** while the House was waiting would, with the permission of the House, as he had not given notice of his question, draw attention to an important matter. He had observed in the *Gazette* of Saturday last that the Hon. Mr. Justice F. G. Johnson, a Judge of the Superior Court of Lower Canada, had been appointed Lieut.-Governor of Manitoba, and the question he desired to ask was whether that gentleman had resigned his Judgeship, or whether his appointment as Lt.-Governor superseded his Commission as Judge, or whether the Government considered him to be absent on leave, his function of Judge to be resumed when his duties as Lt.-Governor shall have ceased.

**Hon. Sir JOHN A. MACDONALD** said Mr. Justice Johnson had been sent to Manitoba to act as Recorder until other arrangements could be made. He obtained leave of absence as Judge, and an Assistant Judge was appointed to act for him. Mr. Archibald having resigned, it was thought advisable to appoint Mr. Johnson temporarily. Although that gentleman had already a Commission to act as Administrator, in case of the absence, sickness, or other incapacity of the Lieutenant Governor, he had found on looking at the British North America Act, that an administrator could not act in case of resignation. A commission had therefore been issued to Mr. Johnson, to act as Lieutenant Governor, until the gentleman to be selected as Mr. Archibald's successor could make the necessary arrangements for his journey.

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### MANUFACTURING INTERESTS OF THE DOMINION

**Mr. MAGILL** considered that no apology was necessary for making his motion for a Select Committee to inquire into the state of the manufacturing interests of the country. The hum of busy industry could be heard from Halifax to Sarnia but there was something wanting in the shape of security to capital and encouragement to manufactures. The Government were sending agents to all parts of Europe to bring hither immigration and deserved credit for doing so, but it was worse than useless to bring skilled labor hither without adopting measures to secure for it employment.

The policy, which he sought to inaugurate, was not, by any means, a sectional one. It was one which in its effects would be beneficially felt from Halifax to Sarnia. Even Manitoba would feel

its effects, and it would go a long way in strengthening the loyalty of the people, in affording full employment for all. In his opinion, to make people happy and contented under our constitution, manufactures must be protected. The people of this country must not be made to suffer by the superior facilities afforded to manufacturers in the United States. There was only one line of conduct to be pursued. He did not believe in one policy being pursued in the House and another out of it. He repeated that he wanted such a policy pursued as would not only bring skilled labor hither, but would find employment for it.

He wanted a home market for our own people. A home market afforded the speediest return, and gave the most employment to the masses. Encouragement should be given to our men of capital, and to all manufacturing industries, so that they might be able successfully to compete with the manufacturers of the United States. He then moved for the appointment of a Special Committee to inquire into the matter, seconded by **Mr. WORKMAN**.

**Hon. Sir FRANCIS HINCKS** said that the Government would offer no opposition to the motion, as much valuable information might be elicited; but he would not have it understood that the manufacturing interests of the country were in a very distressed condition, the very opposite being the case.

**Mr. FERGUSON** was sorry that the Finance Minister had permitted this subject to be introduced by a private member. He would rather have heard that the Government were prepared to take steps with the view of taking up the question of protection, not only to manufacturing, but to farming interests. He hoped that the policy which had been defeated last Session, when certain duties previously placed on flour, et cetera, were repealed, would be again brought forward, in order that there might be fair protection to the farming interests.

**Hon. Mr. HOLTON** did not like the idea of one of the fathers of Responsible Government leaving the matter of a policy for the Government to be found by a Special Committee of the House.

**Hon. Sir FRANCIS HINCKS** was not aware that there was anything about finding a policy for the Government in the motion.

**Hon. Mr. HOLTON** thoroughly understood the motion; and was glad that the motion had been made in so eloquent terms by his friend, the hon. member for Hamilton (Mr. Magill), but, nevertheless, thought the Hon. Minister of Finance (Hon. Sir Francis Hincks) was not acting consistently with his previously expressed opinions. Having made some allusion to the language of the Secretary of State for the Provinces (Hon. Mr. Howe), on a recent occasion, as to how he could sit beside his colleagues without contaminating them.

**Hon. Mr. HOWE** said he was surprised that the member for Châteauguay (Hon. Mr. Holton) should have risen to make an attack upon him. He could produce a celebrated annexation memorial signed by certain people in Montreal asking that British authority should be removed from this country and it would be

found that his (Hon. Mr. Holton) signature was among the number. He would also take the opportunity of saying a word to the hon. member for Lambton (Hon. Mr. Mackenzie). That gentleman had during the last two or three years thought proper to read him lectures on loyalty and respect for the British flag, and last winter when he (Hon. Mr. Howe) was sick in bed he had the bad taste and utter want of manliness to declare that he had shown disrespect and sought to dishonour the British flag in a part of this Dominion. He did not hesitate in saying that the story was a falsehood, but if the word was unparliamentary he would withdraw it.

He would refer the hon. gentleman to the record of his public life for the last thirty years, and would defy him to point out one line which could be shown to be at variance with loyalty. Anyone who said the reverse was a slanderer and the truth was not in him. He would read an extract from a speech made in 1861 to a body of Englishmen in the city of Southampton when he used this language:

“During the old times of persecution four brothers, bearing my name, left the southern counties of England, and settled in four of the old New England States. Their descendants number thousands and are scattered from Maine to California. My father was the only descendant of that stock who, at the Revolution, adhered to the side of England. His bones rest in the Halifax churchyard. I am his only surviving son and whatever the future may have in store, I want, when I stand beside his grave, to feel that I have done my best to preserve the connection he valued, that the British flag may wave above the soil in which he sleeps.”

He could read many such extracts in proof of the stand he had always taken in aid of British authority. He referred to the position he took in 1839, when the Maine Militia was called out to invade the Province of New Brunswick. At that time he was a member of the Legislature of Nova Scotia, and leader of a powerful opposition in that House. The Militia Laws had expired and the Government was powerless. Sir Colin Campbell, at that time at the head of the Government, could not draw a shilling from the Treasury for the defence of the flag of England. He (Hon. Mr. Howe) walked across the floor of the House and tendered the services of himself and his party to the leader of the government. A Committee was organized, and before night, resolutions were reported placing 100,000 men at the disposal of the Government to arm the Province.

The hon. member wanted to know how his friends in the Government could sit beside him without contamination. He would like to ask that gentleman how he could sit beside the member for Châteauguay (Hon. Mr. Holton), an annexationist dyed in the wool, without fear of contamination. That hon. gentleman had been caught in the act.

As to his pamphlet, about which he had been so fiercely attacked, he was willing to submit a copy of it to the House at any time, and he defied anybody to find one line in it that conflicted with the sentiments uttered at various periods of his long life of steadfast loyalty and support of British institutions. The pamphlet had attracted some attention in the provinces and in England. He would like the member for Lambton (Hon. Mr. Mackenzie) to say



April 17, 1872

something that would attract attention outside the Province. He had not heard that the pamphlet had done any mischief up to this time. It had done some good. The *London Times* had been preaching the doctrine that England was an Eastern, not a Western power. Did not we know that very recently, when the expedition was sent to the North West, the *Times* had said that it was the last time that England would interfere in such a manner. But now, what did it say? That it was true a good deal had been said by Englishmen about throwing off the Colonies, but that England was under the obligation of defending Canada and she would not repudiate it. If the pamphlet had done nothing more than elicit that declaration, it had done a world of good.

He had been accused of speaking disparagingly of the United States. The hon. gentleman (Hon. Mr. Mackenzie) spoke of the United States as if no Canadian should ever find fault with them. For his own part he had always spoken fearlessly on public questions whether connected with that country or any other, and he thought we ought to do so. He felt that we had reason to find fault. Had we not within the last five or six years had three or four Fenian raids on our Province, organized and fostered in their midst? And yet the Member for Lambton (Hon. Mr. Mackenzie) contends that we should speak with bated breath, when we utter words of remonstrance. He had been unwell when attacks were made upon him last Session, but he was now, thank God, prepared to vindicate his course individually, and the acts and policy of the Government of which he was a Member.

**Hon. Mr. MACKENZIE** said that the hon. member seems never to address the House except to pay off some person who, he imagines, has insulted him. It was an insult to suppose that his acts as a public man could not be criticized. He (Hon. Mr. Mackenzie) denied that he made use of any expression which could be considered otherwise than as a just criticism of his conduct. He condemned the hon. gentleman's conduct as strongly as possible. He (Hon. Mr. Howe) might, with that eloquence for which he was famed, endeavour to carry away the House, but it would not prevent him from criticising his public actions. It was his duty, and he would perform it. The hon. gentleman had stated that he (Hon. Mr. Mackenzie) had objected to his criticising freely the conduct of the United States. What he said was that he had apparently taken it for granted that the whole 40,000,000 of the United States were waiting to pounce on this country and he had deprecated his right to make any such assumption.

He had been accused of having charged the hon. gentleman, during last session, with practically preaching treason in the North West by ordering down the British Flag. The Minister of Customs (Hon. Mr. Tilley) at once took down his expressions and he repeated them unhesitatingly. His information was obtained from newspapers and from letters, and he had heard it stated in the House. If he (Hon. Mr. Howe) now said that no such expression ever escaped him, he (Hon. Mr. Mackenzie) would at once accept the denial and retract the statement.

**Hon. Mr. HOWE** said he accepted the explanation of the hon.

member for Lambton. That gentleman would remember that he left the House last winter before the Session closed. The progress of public business had prevented him from taking the matter up earlier, but before the close he took an opportunity of contradicting the statements which had been made, and he was now content that the hon. member should withdraw the charge, and he gave his full assurance that he never made an observation about the flag or gave any order respecting it. He trusted that this would be accepted.

**Hon. Mr. MACKENZIE** said the hon. gentleman had waited until he had left the city. It was announced beforehand and generally known, that he was to attend a meeting at Kingston, and the hon. gentleman had abundant opportunity to meet the charge earlier, but in his (Hon. Mr. Mackenzie's) absence he was cowardly enough to use towards him the most offensive expressions possible, and now he endeavoured to palliate his conduct in publishing the offensive pamphlet, by saying that it had been noticed in the *London Times*. That paper however noticed it to condemn it. The hon. gentleman fancied himself celebrated, when in fact he was only notorious, a position which any one could attain who chose to write such a foolish, senseless impolitic pamphlet as he had written; and all this was to be forgotten, because he had once delivered loyal and generous speeches.

Was he to be bound by these old speeches, and never criticise anything now said? Were these old utterances to condemn everything disloyal, impolitic and wrong in every sense that he might now utter. He (Hon. Mr. Mackenzie) refused to be governed by this rule, and should freely criticise his expressions and sentiments, no matter how strong and offensive the expressions might be that were addressed to him in reply.

**Hon. Mr. HUNTINGTON** desired to make a few remarks in reference first to the motion of the member for Hamilton (Mr. Magill), and secondly to the matter that had arisen out of it.

**The SPEAKER** here decided that nothing further could be allowed, except in reference to the motion before the House.

**Hon. Mr. HUNTINGTON** then said he would confine his remarks to his first subject. He believed that this question of the manufacturing interests of the Dominion was one of great importance, and that the motion must result in great good to the country if properly managed; but the people of the country must be careful not to let anyone take up the cry before the elections, simply for political purposes, and he hoped, the question would be understood as one that could not be settled hurriedly, as one of very great consequence to all. There should be no attempt to deal with the question as political capital, but rising above politics, it should be treated in the spirit of statesmanship and regard for the interests of Canada.

**Mr. JONES (Leeds North and Grenville North)** said he had intended to move for a Select Committee to consider the best means of promoting the agricultural interests of the Dominion, but it had been suggested to him that this might be coupled with the motion now before the House, and he therefore moved in amendment that

the agricultural interests should be added to the other subject to be considered by the committee moved for by the member for Hamilton (Mr. Magill).

That gentleman had referred to the great benefit which the country was likely to derive from the protection of its manufacturing interests, but there was no class in the community whose interests should be more protected than the agricultural class. While the manufacturer was protected to the extent of 15 per cent, no protection was afforded to the agriculturist, and those in Ontario, especially, suffered from the want of that protection. Canadian farmers were to a great extent shut out of American markets, having to pay a duty of no less than 20 per cent on all produce sent to the States.

It seemed to him that the advocates of free trade took a very one-sided view of the matter and he regretted the Government had not taken a more determined stand in maintaining the protection they had introduced two sessions ago. The member for Shefford (Hon. Mr. Huntington) had urged that the question should not be turned into political capital, but he knew no one more ready to make political capital of such a matter than that gentleman. During the last ten years the increase of population in Ontario and Quebec had been only 300,000, while it had been double that during the ten years previous, while in his own county the population was very much smaller than it was a year ago, and he attributed this to the want of protection afforded to the agricultural interests.

He said that among the manufacturers of England a strong feeling was springing up in favour of protection, and they found that Sir Robert Peel's prediction that all other nations would follow their example and establish free trade was not fulfilled, and their imports were, to a very great extent, larger than their exports, while in one year the bullion in the Bank of England had decreased to the extent of £4,000,000 sterling. He deprecated the manner in which everything that could have been offered to the United States in exchange for reciprocity, had been relinquished, and said that now when all the young men of the country were leaving for the States and the whole tide of emigration from the old country was flowing there, it was high time that the matter should be considered, and he trusted therefore that his amendment would be accepted.

**Hon. Mr. BLAKE** trusted that the Minister of Finance (Hon. Sir Francis Hincks) would give to the agricultural interests the same consideration that he accorded to the other interests of the Dominion. For his own part, as they were going into the Committee business, he could not conceive a juncture at which it was more important that these questions should be discussed, as the Government seemed to think it proper that their policy should be determined upon through committees; but the Committee must remember what the ministerial utterances as to the condition and prospects of the country had been.

He would not refer to the terms of abuse used by the Hon. Secretary of State for the Provinces (Hon. Mr. Howe) in reply to the hon. members for Châteauguay (Hon. Mr. Holton) and Lambton (Hon. Mr. Mackenzie), as he thought silence was the best mode in

which to meet such language, not a contemptible silence, but a compassionate silence. The words which he had uttered and written and published were extremely immaterial to the question as to whether these important interests should be taken in hand by the House. They knew that the hon. gentleman had had on a former occasion an opportunity to explain or retract those words, but he did not avail himself of it, and now that opportunity had been repeated with the same result. He told them that they were words of soberness and propriety. The hon. gentleman had vindicated his loyalty in the past, he had told them of acts he had done in days gone by, which he contended gave him a title to the gratitude of the country. He (Hon. Mr. Blake) considered that this being so, rendered all the more significant the language which the hon. gentleman, so loyal in times past, now thought fit to use. If he, so faithful and so loyal and disposed to sacrifice so much rather than indulge for a moment in a suggestion of anything foreign to the interests of the Empire, if he told them, with reference to what the member for Leeds North and Grenville North (Mr. Jones) had said had been given up to the Americans, that it was an effort on the part of England to buy her own peace with the sacrifice of Canadian interests, the House and Committee had some knowledge of the views of the Government, which would guide them in considering the questions to be submitted to them. (*Laughter.*)

The hon. gentleman had gone on to term the Treaty a "Comedy of Errors," and to state that the time had come for England and Canada to come to a clear understanding with regard to their connection with each other, and had quoted the utterances of Cabinet Ministers in England in order to show that England desired to break off her connection with Canada. If this was the real state of affairs, he (Hon. Mr. Blake) was glad he was not named a member of the Committee, and he was not surprised that the Hon. Secretary of State for the Provinces (Hon. Mr. Howe) and the Government should shrink from the task of settling the matter now to be delegated to a committee.

**Hon. Sir JOHN A. MACDONALD** said he hoped the committee would not be frightened from doing their duty by the remarks of the hon. member for Durham West (Hon. Mr. Blake), and he trusted they would meet and collect all the information that was desirable for the purpose of being used by the House, and being of service to the country. The hon. member who had just spoken, as well as the hon. member for Châteauguay (Hon. Mr. Holton) seemed to think that the House had no power to act or to exercise any opinion except to register the decrees of the Government and that they were not legislative, and would not enter upon any subject except with the sanction of the Government. It was an old saying that information would do no one any harm and he trusted that in this instance full information would be obtained.

The member for Hamilton (Mr. Magill) in the interests of his constituents and of the country at large, had moved for a committee for the purpose of submitting to Parliament the information they might collect and there had been an appeal made by the hon. member for Shefford (Hon. Mr. Huntington), that the subject might not be approached as a political question at all, and he had urged



April 17, 1872

that the House should rise above mere political considerations and deal with it as statesmen, forgetting party for the good of the country. That appeal however had been made in vain and had been rejected by the hon. member for Durham West (Hon. Mr. Blake), but he (Hon. Sir John A. Macdonald) knew the members of the Committee would do their duty, for their names were a sufficient assurance that they would honestly deal with the matter without any reference to political partizanship.

The hon. member for Durham West (Hon. Mr. Blake) said that he should treat with the silence of compassion the language of the hon. Secretary of State for the Provinces (Hon. Mr. Howe). He (Hon. Sir John A. Macdonald) regretted that language, but if the offence was marked, the provocation was great. He also regretted that the hon. member for Châteauguay (Hon. Mr. Holton) had not observed his usual moderation, but had characterized the expressions of the Secretary of State for the Provinces as “indecent,” an expression as unparliamentary as could well be made use of. He (Hon. Sir John A. Macdonald), however, thought the Speaker had used a wise discretion in refusing to interfere until the matter had been talked out, but now it had been fairly talked out, he hoped no more would be heard of it.

The hon. member for Durham West (Hon. Mr. Blake) had characterized the language of the address of the Secretary of State for the Provinces as disloyal, but let any one read that speech and see whether there was any disloyalty in it. The expressions and sentiments were such in which he (Hon. Sir John A. Macdonald) did not concur, the belief one in which he did not share; but the hon. gentleman had used the language with regret—it was the wailing cry of a loyalist fearing that the colony was going to be forsaken. (*Cheers.*)

He (Hon. Sir John A. Macdonald) believed that the Parliament of England was right and sound in the matter, and that there was no ground for the fear, and that while there was a power in England, strong in intellect, but not in numbers, who thought that England would be safer and more secure without her colonies, that sentiment was not the prevailing sentiment of England, and he was satisfied that on the first appeal to the people of England they would pronounce that they would still adhere to the old maxim of “Ships, colonies and commerce.” He believed the hon. gentleman, his colleague, was in error; he himself was more sanguine, but he also believed he was the more correct; and he was satisfied that no ministry in England could exist at the present time or for many many years to come if they laid down as one of the principles of their Government that they were better divested of all their colonies, which gave England such position and such moral as well as physical power in the world.

The hon. member from Durham West (Hon. Mr. Blake) had called the language of the Secretary of State for the Provinces, very dangerous doctrine, but if that hon. member was fairly reported in the columns of the *Globe* he had stated that the consequence of the Treaty of Washington would be that there must be a reorganization of the Empire, and that the relations of this country must be

changed, and this he had not said as a matter of regret, he did not state his opinion with sorrow, but he said it because he considered that, commercially speaking, Canada’s rights had not been fully protected by the Treaty. (*Cheers.*)

Had any one accused the hon. member of disloyalty because of these expressions? No. No such accusation had been brought against him, though he richly deserved it from the tone he had just adopted. The organization of the Empire was to be changed because for a few years the Americans were to have the right to catch fish in Canadian waters. (*Cheers.*) Canada was to call England to account, and the hon. member for Durham West (Hon. Mr. Blake) had almost used the language he had quoted from the speech of the Hon. Secretary of State for the Provinces (Hon. Mr. Howe), for he had said that now was the time for Canada and England to meet face to face, and had stated as his own sentiment and resolve, because as a leading statesman he was bound to carry his principles into practice, that the Empire was to be reorganized because the mackerel and herring had been handed over to the Yankees for ten long endless years.

The Secretary of State for the Provinces was attacked because he disapproved of the withdrawal of her Majesty’s troops from the country. He (Hon. Sir John A. Macdonald) shared the belief that it was a mistake in the Imperial Government to withdraw the troops, but the matter was one that had to be judged by Imperial considerations, though his individual opinion was that England would have acted with wise discretion if she had still maintained the troops in Canada as a symbol of her sovereignty, and still manned the old walls of Quebec. Looking to the interests of the Empire alone, it would have been well if the garrison had been maintained there, and he did not stand alone in that view. Great statesmen in England had pronounced the same opinion. He did not speak of the Conservative party, who might from old associations desire to maintain the old state of affairs, the old relationship with the Colonies, but Lord Russell had protested against the withdrawal of the troops from Canada. Whether England was wise or unwise in doing so it was for her to decide. Canada had no right to insist on her view of the matter, but he regretted that they had not the martial tread of the troops in the streets and the sound of the martial music, but they submitted without one single feeling except of regret that they had lost the symbol of England’s sovereignty. He had been induced to make those remarks in consequence of what had fallen from the member for Durham West. With reference to the amendment of the member for Leeds North and Grenville North (Mr. Jones), there could be no objection to it if it met with the approval of the member for Hamilton (Mr. Magill) who had made the original motion.

**Hon. Mr. HOLTON** said he had not intended saying a word in reply to the torrent of Billingsgate levelled at him by Hon. Mr. Howe, because he could not forget that he (Hon. Mr. Holton) was one of a company of gentlemen in this House. It would be impossible for any gentleman to deal, in fitting language, with such an attack as had been made by Hon. Mr. Howe upon him, (Hon. Mr. Holton). He would say a few words in explanation of the



observations he had made. The leader of the House had said the word "indecent" was unparliamentary; he (Hon. Mr. Holton) joined issue it was a word used not unfrequently in Parliament, and was often used by Sir John A. Macdonald himself; and that gentleman sometimes used a stronger word in respect to his opponents, the word "dishonest".

Mr. Howe had never been charged in a former debate with having delivered a speech, the whole drift of which went to show that connection between this country and the Empire could not be maintained, because of two master grievances: the first was the withdrawal of troops; the second was that England had recently bartered away the interests of Canada in the Treaty of Washington. What he (Hon. Mr. Holton) meant to say was, that for Hon. Mr. Howe as a Minister of the Crown, to propose a severance from England on those grounds, was indecent. He (Hon. Mr. Holton) did not apply the word in an offensive sense to the person of Mr. Howe, but intended by it to characterize his political conduct in as strong terms as he could use. He repeated that the Ministers, by continuing to occupy the same benches with Hon. Mr. Howe, assumed the responsibility of his utterances, for a Minister could never separate himself from his quality in respect to a public question. He would observe, in conclusion, that Hon. Mr. Howe had used language not fit for utterance in the company of gentlemen.

**Hon. Mr. BLAKE** said that the speech to which the Minister of Justice (Hon. Sir John A. Macdonald) had referred had been reported substantially correctly, and he was prepared to abide by it. What he had desired to say in his former remarks was that if it was true that England had recently tried to barter away Canadian interests for her own benefit, and that Cabinet Ministers in England were acting in a manner that involved the separation of the country, then this country was at a serious and appalling juncture.

**Mr. WORKMAN** had agreed to second the motion of the member for Hamilton (Mr. Magill), that he might have an opportunity to examine the evidence brought before the Committee; at the same time he desired distinctly to state that he was not in favor of a high protective duty. Some branches of manufacture were not sufficiently protected, but the country was thoroughly prosperous, and if these branches could be protected, the prosperity would continue.

As to the other subject that had been introduced into the discussion, he happened to be in New York when the lecture in question was delivered, and had been accosted on the subject on the Exchange there by parties who said that a Cabinet minister at Ottawa openly advocated annexation. He had denied this, but had afterwards read the lecture with great regret because the previous life and action of the hon. lecturer had evinced a much higher tone of loyalty. He had, however, listened with great pleasure to the utterances of the Premier, because they had convinced him that the Cabinet were not in favour of a change in the connection with England. He wished to live and die under the old flag.

**Mr. YOUNG** thought the Government ought themselves to have

a policy on the question and should not delegate the matter to a Committee, although he said there might be some excuse for the proceeding as the Government seemed utterly unable to frame a commercial policy. He referred to changes in the tariff which had been made in almost every session, dwelling on the proceedings in the session of 1869, terming the action of the Minister of Finance at that time (Sir John Rose) a somersault. With regard to the duty on grain and flour, he maintained that the farmers did not want any such absurd duty, as they know that it would be no advantage to them and a great injury to other interests of the Dominion. Everyone would admit that it would be a great benefit to encourage manufactures, but other interests should not be forgotten, and he trusted that the Committee would remember that they were acting for the whole community and not for any particular portion.

**Mr. MAGILL** said that the practice of appointing Committees on such matters had been called in question, but he maintained that it was in accordance with British practice and quoted from Mr. Todd's Parliamentary Practice in support of his statement. With regard to the amendment he considered that the Committee as he had asked for it would have quite enough work on its hands and he could not consent therefore to the agricultural interests being also submitted to it.

**Hon. Sir FRANCIS HINCKS** replied to the remarks of the member for Waterloo (Mr. Young) as to the changes in the tariff. He explained the reasons that had induced the Government to change its policy in 1870, and said that in 1871 they would have been quite prepared to take off the duties on the articles in question as far as revenue was concerned, and had only hesitated to do so on account of the negotiations then pending at Washington.

**Hon. Mr. ANGLIN** spoke on the same points, attributing the sudden change in the tariff to the pressure brought to bear on them by a gentleman now in the Cabinet who had threatened the Ministry with the opposition of the whole of Nova Scotia if they did not accede to his request.

**Mr. BODWELL** said the agricultural interests of the country did not require any system of protection. He accused the member for Hamilton (Mr. Magill) of having formerly advocated the interests of the farming population, and now, when it suited his own interests casting them off, by refusing to consent to their interests being considered by the committee for which he had moved. He hoped the amendment would not be withdrawn.

**Mr. JONES (Leeds North and Grenville North)** regretted very much that the member for Hamilton (Mr. Magill) objected to his amendment, but of course he could only withdraw it and move for a separate committee at another time.

The main motion was then carried.

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## STANDING COMMITTEES

**Hon. Sir JOHN A. MACDONALD** presented the Report of the Committee appointed to prepare Standing Committees.

April 17, 1872

#### MESSAGE FROM THE GOVERNOR GENERAL

**Hon. Sir JOHN A. MACDONALD** presented a message from His Excellency in acknowledgment of the Address in answer to the Speech from the Throne.

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#### WINDSOR AND ANNAPOLIS RAILWAY

**Mr. SAVARY** moved for copies of all correspondence respecting the use by the Windsor and Annapolis Railway Company of the Government Railway between Halifax and Windsor.—Carried.

#### DEATH OF ALBERT TRIDER

**Mr. SAVARY** moved for Reports relative to the death by accident of Albert Trider, on the government Railway between Halifax and Windsor, and for a statement of all accidents on that Railway and their causes.—Carried.

**Hon. Mr. MACKENZIE** asked whether Government would submit a statement of the affairs of the Bank of Upper Canada.

**Hon. Sir FRANCIS HINCKS** replied in the affirmative.

The House adjourned at 5.50.





April 18, 1872

## HOUSE OF COMMONS

Thursday, April 18, 1872

The **SPEAKER** took the chair at 3 p.m.

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*Prayers*

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## ROUTINE PROCEEDINGS

A number of petitions were received.

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## TREATY OF WASHINGTON

**Hon. Sir JOHN A. MACDONALD** presented a message from His Excellency submitting the correspondence on the subject of the Treaty of Washington which was read by The Speaker.

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## FAVOURITISM TO A GOVERNMENT ORGAN

**Hon. Mr. MACKENZIE** said he observed the leader of the House had communicated this message to one of the newspapers in the city of Ottawa, before he communicated it to the House. The House was entitled to some explanation on his point. If newspapers favourable to the Government were to receive documents of this kind in advance of the House, it was clearly a violation of the usages that prevailed in parliamentary history. It was quite out of question that the House should look to newspapers for intelligence in advance, of serious and important public documents that were to be laid before the House next day. He desired to know from Sir John A. Macdonald if this were done without his knowledge, or connivance, and how it came that the newspaper obtained that information.

**Hon. Sir JOHN A. MACDONALD** admitted that it had occurred with his knowledge, and was done by himself. He said he had told a person connected with the newspaper what the substance of the communication would be, and that in doing so he had broken no rule of Parliamentary practice, for the same thing was done with regard to the Queen's Speech.

**Hon. Mr. HOLTON** differed entirely from Sir John A. Macdonald on the point. He thought it was treating Parliament with contumely, and he defied him to recite an instance from British parliamentary practice to justify his act. The substance of the Queen's Speech might be communicated before Parliament was convened; but in this case Parliament was in Session, and it was by

a motion that the Executive Government were obliged to bring down papers. He (**Hon. Mr. Holton**) was jealous of the privileges of Parliament, and complained that the leader of the House had now violated them.

**Hon. Sir JOHN A. MACDONALD** said there was no pleasing hon. gentlemen opposite. The great attack upon him had been that he was too reticent on this subject, and now the complaint was that he had now made matters public.

**Hon. Mr. MACKENZIE** said the leader of the Government had stated at the opening of the Session that he could not bring the papers down then, and the day before yesterday he said he hoped to bring them down the next day. He did not bring them down, but gave their substance on that very day to a newspaper.

**Hon. Sir JOHN A. MACDONALD** said that one of the papers was dated the 15th of April, so that the Government could not have brought them down at the opening of the Session.

**Hon. Mr. HOLTON** asserted that the Premier had deliberately withheld papers from the House which he had communicated to a newspaper. He had promised to bring them down yesterday if able. He did not bring them down, although he was able, as shown by his communicating them to a newspaper.

**Hon. Sir JOHN A. MACDONALD** contended that the government had a perfect right to make public any information they pleased.

**Hon. Mr. HOLTON** argued that it was a breach of privilege to give information to the public which was withheld from Parliament, while Parliament was in Session.

The matter was dropped.

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## FISHERIES

**Hon. Mr. BLAKE** before proceeding to the Orders of the Day wanted to know when the Report of the Fisheries would be brought down.

**Hon. Mr. TUPPER** said the Report was being prepared and would be brought down at an early date.

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## QUESTIONS BY MEMBERS

**Mr. MASSON (Terrebonne):** Whether it is the intention of the



Government to introduce during the present session of Parliament a Bill to amend the Patent Laws so as to enable all British subjects to take patents in the Dominion without being subjected to the clause of the present law requiring one year's previous residence, also to amend the same by requiring that the patentee shall commence to carry on the manufacture of the articles patented within twelve months after the patent is granted instead of three years?

**Hon. Mr. POPE:** It was the intention of the Government to do so.

**Mr. MASSON (Terrebonne):** Whether it is the intention of the Government to appoint a Fishery Officer with magisterial powers for that of the Province of Quebec comprising the Counties of Argenteuil, Terrebonne, Montcalm, Joliette, and Berthier?

**Hon. Mr. TUPPER** replied that such was the intention of the Government.

**Mr. MERRITT:** Whether it is the intention of the government to establish a meteorological bureau so that the system of weather reports and storm signals, found to be so useful in Britain and the United States, may be extended to all suitable ports in the Dominion; and if so, how soon?

**Hon. Mr. TUPPER** said that the Government was not prepared to take action in the matter so fully, as the question of the hon. member suggested, but that some action would be taken in the matter, during the present Session.

**Mr. YOUNG:** Whether it is the intention of the Government to proceed during the present year, or have abandoned the construction of the fortifications for which they took power to borrow £1,100,000 during the first session of Parliament?

**Hon. Sir GEORGE-É. CARTIER** said it was not the intention to do so this year, but as an agreement existed between the Imperial and Dominion Governments, the policy could not be abandoned.

**Mr. YOUNG:** Whether it is the intention of the Government to make any alterations in the Election Laws during the present Session, and more particularly whether they proposed to amend the existing laws so that the election in each Province shall take place simultaneously?

**Hon. Sir JOHN A. MACDONALD** said amendments to existing laws would be made, but no action would be taken with a view to elections being held simultaneously.

**Mr. MAGILL:** Whether (in view of the contemplated improvements and extension of our system of canals referred to in the Speech from the Throne) it is the intention of Government to carry into effect and adopt the recommendations contained in the Report of the Canal Commissioners presented to the Secretary of State, dated February 24th, 1871?

**Hon. Mr. LANGEVIN** said the matter would be considered by the Government and the papers would be brought down in a few days.

**Hon. Mr. GRAY:** Whether any estimates, detailed or aggregate, have been made by the Dominion Government to the British Government of the expenses and damages sustained by Canada in the Fenian raids of 1866 and 1870, and whether in the estimate of the year 1866, if made, are included the expenses borne by New Brunswick on that occasion?

**Hon. Sir FRANCIS HINCKS** said that there had been communication on the subject with the Imperial Government, that no estimate had been made and that in the communications New Brunswick had been included.

**Hon. Mr. GRAY:** Whether any steps have been taken by the Canadian Government—through the British Government, or otherwise,—to bring before the United States Government the illegal abduction of American citizens from the Port of Guysboro, in Nova Scotia, in the month of September last, of the American fishing schooner “C.H. Horton,” seized for a violation of the Canadian fishery laws, and at the time within the custody of, and awaiting the action of the Court of Admiralty in Canada?

**Hon. Sir JOHN A. MACDONALD:** Correspondence had been going on in the United States and Dominion Governments and if the hon. member would move for the correspondence, it will be brought down.

**Hon. Mr. BLAKE:** Whether it is the intention of the Government this Session to propose a Supreme Court Bill?

**Hon. Sir JOHN A. MACDONALD:** It is not.

**Mr. TREMBLAY:** Whether it is the intention of the Government to promote by a subsidy the establishment of a line of telegraph along the North Shore below Quebec, with a view of affording protection to the interest of trade and navigation, and of rendering it possible, in the case of shipwrecks which are so frequent on that coast, to procure assistance for those, who for want of means of communication, are there exposed to perish from hunger and suffering?

**Hon. Mr. LANGEVIN:** The matter had been brought under the notice of the Government by an hon. Senator of the Dominion, and was now under consideration.

**Mr. KEELER:** Whether it is the intention of the Government to introduce during the present Session any measures providing for the inspection of salt manufactured in the Dominion.

**Hon. Sir FRANCIS HINCKS** said there would be a general Inspection Law, but that no representation had been made by the trade upon the subject.

April 18, 1872

#### ACCOUNTS PAID FOR CONFIDENTIAL PRINTING

**Mr. YOUNG** moved for copies of all accounts paid or received for confidential printing from date of last return.

**Hon. Mr. MACDONALD (Cornwall)** said it was the habit of some hon. members to place on paper, notices of motions, calling for all manner of information. It would be more satisfactory in many cases if hon. gentlemen would ask for such information from the Committee of Public Accounts. Such demands made upon Government were really useless. He had some experience in such matters. They gave much trouble, were printed in an appendix, altogether lost sight of, and costly.

**Mr. YOUNG** thought the hon. gentleman, to use an expression he had heard made use of on the other side of the House, was barking up the wrong tree. There was certainly some truth in what had been said by the hon. member from Cornwall, (Hon. Mr. Macdonald) but if he had been in his place oftener than he was during last Session he would have known that a great improvement had taken place in the manner of getting printing done. Setting aside the plan proposed by the Printing Committee of giving everything, in the way of printing, out by contract, the Government had given the Confidential Printing without any contract whatever, and the House should know what is being paid for the work. He believed the amount was larger than ought to be paid. He was aware that the member for Cornwall was of a very economical turn of mind, but it was often the case that economy was carried too far.

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#### RETURNS OF CUSTOMS AT HUDSON'S BAY

**Mr. YOUNG** moved to know whether customs duties had been collected in James Bay, into which two or more vessels yearly entered to take off furs and bring in English goods. He believed no duties had been collected.

**Hon. Mr. TILLEY** said that the duties could not be collected without authority, but the information which the hon. gentleman sought for would be given.

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#### GEOLOGICAL SURVEY OF CANADA

**Hon. Mr. HOWE:**—Committee of the Whole for Friday next to consider resolution for the appropriation of the sum of forty-five thousand dollars annually, for the term of five years, to defray the expenses of the Geological Survey of Canada.

**Hon. Mr. MACKENZIE** wanted to know why this money was required for five years. He was aware it had been done before, but that was no reason. There was no money that he would more cheerfully give, but he thought that the granting of this money should not for so long a period be granted, and so dispense, as it

were, with the yearly action of Parliament in the matter of a money grant.

**Hon. Mr. HOWE** intimated that the officers employed in the Survey were only employed for a limited period, and it was to give them some assurance that their services would be retained.

**Hon. Mr. MACKENZIE** thought the geological staff should form a part of the Civil Service.

**Mr. MILLS** wanted to know whether the Geological Survey had been placed under control of the Provinces as the mines and lands belonged to them.

**Hon. Mr. HOWE** thought it better that the Dominion should retain the charge of the Survey as they were in a better position than the Provinces to secure the best scientific men.

**Hon. Sir JOHN A. MACDONALD** said that the suggestion of the member for Lambton (Hon. Mr. Mackenzie) that the geological staff should be put on the staff of the Civil Service was worthy of consideration, as the work would extend over many years.

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#### INTERCOLONIAL RAILWAY

**Mr. JONES (Leeds North and Grenville North)** moved for correspondence respecting the Intercolonial Railway Bridge to be constructed across the Miramichi River. It had been stated in the newspapers that a number of engineers had been called upon by the Commissioners to determine the proper foundation for the bridge over the Miramichi River. According to the last Return there were 55 engineers and four commissioners, and they ought to be sufficient to determine an engineering question of this kind without calling in outside assistance. The Commissioners did not appear to have confidence in their chief engineer. The general extravagance in connection with the railway was a result of the appointment of Commissioners totally incompetent to perform their work. From the first they had been at variance with the Chief Engineer, and a kind of civil war had been going on between them.

**Hon. Mr. McDOUGALL (Lanark North)** said a good deal of discussion had taken place as to whether a safe foundation could be obtained by the bridge, and he believed various experiments had been made, and that it was now ascertained on the authority of able engineers that a foundation of any strength could be had. He wished to ascertain if this were so.

**Mr. WALSH** explained that when the contracts had been given out it had been on the understanding that rock would be found at a certain depth. What had been supposed rock, however, proved to be gravel and sand, and it had then been considered by the Government and the Commissioners that the advice of engineers not connected with the work should be called in. They had reported that though the foundation was not rock it was perfectly safe and



April 18, 1872

reliable and there was no doubt that the work would now be prosecuted with vigor and successfully.

The motion was then carried.

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### BOUNDARY OF ONTARIO

**Mr. JONES (Leeds North and Grenville North)** moved for copies of all correspondence between the Governments of Ontario and the Dominion respecting the north-west boundary of Ontario. He said that it had been stated in public papers that action had been taken by the local Government in the matter, and he thought the matter was one of great importance. —Carried.

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### JOINT HIGH COMMISSION

**Hon. Mr. BLAKE** called for copies of Reports of the Minister of Marine and Fisheries on the subject of the Fisheries, dated 15th and 20th December, 1869, of the Memorandum and documents prepared for the Hon. Mr. Campbell in connection with his mission to England, and approved in Council on 1st July, 1870, and of the despatches from His Excellency the Governor General to the Colonial Secretary, Nos. 121, 130, 131 and 133, on the subject of the Fisheries, and of all other Despatches from or to the Colonial Secretary, on that subject, not already brought down and dated prior to the appointment of the Joint High Commission; and of all communications between His Excellency the Governor General and Sir E. Thornton on the subject of the Despatch of the Colonial Secretary, of 10th October, 1870.

He said that all the papers for which he asked were referred to in those already before the House and were necessary to enable them to arrive at a proper conclusion on the subject.

**Hon. Sir JOHN A. MACDONALD** said that all papers that were not confidential would be brought down and that in fact he believed that the papers asked for were all before the House. Motion carried.

**Hon. Mr. MACKENZIE** moved for copies of all despatches and correspondence relative to claims arising from the Fenian invasion of Canada, and also copies of all Orders in Council or other documents relating to the said claims. He would not have said a word except for an extraordinary remark of the Minister of Finance, (Hon. Sir Francis Hincks) that no account had been presented of these claims. The Imperial Government had expressly desired such an account, and he hoped that he had misunderstood his hon. friend and that it would prove an account had been submitted.

**Hon. Sir FRANCIS HINCKS** said that no such account had been prepared, as it was considered that when the claim was admitted it would be soon enough to present an account.

**Hon. Mr. MACKENZIE** said the Imperial Government was not to adjudicate on the claim, but the Canadian Government was asked to send a statement of the claims.

**Hon. Sir FRANCIS HINCKS** said it was very inconvenient to discuss the question in the absence of the papers. When the papers were before the House they would see the manner in which the case had been dealt with, but they did not conceive it was in the interest of the country to present a Bill in detail.

**Hon. Mr. BLAKE** said that when the papers came down it would also be seen that the Government was asked in July to send in a statement, and that it had not been received in the February following.

**Hon. Sir FRANCIS HINCKS** said that before a claim could be made out, certain information was necessary, but that within 24 hours of that information being received, a claim had been transmitted.

**Hon. Mr. HOLTON** asked whether a detailed statement had been prepared. A cursory examination of the papers laid on the table showed that the claim had been compounded en bloc, that for the endorsement of a bond to the extent of £2,500,000 sterling. Government had agreed to recommend parliament to forego the Fenian claim, and he therefore thought it necessary in debating the debit and credit side of the whole transaction to know whether they had among the papers a distinct statement of the amount claimed from the American Government.

**Hon. Sir FRANCIS HINCKS** said no such statement had ever been prepared, but the amounts paid at various times could be ascertained from the public accounts.

The motion was then carried.

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### COURT OF APPEAL

**Hon. Mr. DORION** moved for a statement of the number of cases between the years 1869 and 1872 brought before the highest Court of Appeal in the Provinces of Ontario, Quebec, New Brunswick and Nova Scotia, and of cases to Her Majesty's Privy Council. He said he believed that the Province of Quebec was suffering very much from being obliged to present cases to the Privy Council. He believed eighteen cases were pending at the present moment, and he was sorry to hear that the Minister of Justice did not intend to bring in a Bill for the purpose of creating a Dominion Court, which would do away with the necessity of appeal to the Privy Council.



April 18, 1872

**Hon. Sir JOHN A. MACDONALD** said there would be no objection to the motion, but there might be some delay in procuring the information, as the only way would be for the Dominion Government to communicate with the Lieut. Governor of each Province, requesting that the particulars might be furnished.—Carried.

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#### BANKS AND BANKING

**Hon. Sir FRANCIS HINCKS** moved that to-morrow the House should resolve itself into a Committee of the Whole to consider certain resolutions amending the Government's Savings Banks Act, the Act Relating to Banks and Banking and the Act regulating the issue of Dominion Notes, and declaring it expedient to consolidate the Acts respecting the Public Debt and the raising of loans.—Carried.

#### RECOVERY OF THE PRINCE OF WALES

**Hon. Sir JOHN A. MACDONALD** moved, seconded by **Hon. Mr. MACKENZIE**, that the House should join in an Address passed by the Senate congratulating Her Majesty on the happy recovery of the Prince of Wales. And that the Governor General be requested to transmit the same to her Majesty.—Carried.

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#### LIBRARY

**Hon. Sir JOHN A. MACDONALD** moved for a Select Committee respecting the Library of Parliament.—Carried.

**Mr. BROUSSEAU** moved for a Joint Committee on Printing.—Carried.

The House adjourned shortly after five o'clock.



April 19, 1872

## HOUSE OF COMMONS

Friday, April 19, 1872

The **SPEAKER** took the chair at 3 p.m.

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*Prayers*

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### ROUTINE BUSINESS

A number of petitions were received and read; reports of Committees presented; and several Bills introduced and read a first time.

**Hon. Mr. LANGEVIN** presented the Report of the Department of Public Works.

**Hon. Sir GEORGE-É. CARTIER** presented the Report of the Militia Department.

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### MARQUETTE, MANITOBA DOUBLE ELECTION RETURN

The Marquette election return was read by the Clerk.

The return showed that 282 votes had been polled for Mr. Angus McKay, and also 282 votes for Mr. James Lynch.

**Hon. Sir JOHN A. MACDONALD** moved the reference of the return to the Committee on Privileges and Elections.

**Hon. Mr. MACKENZIE** complained of the laxity of the Government. They were now, however, taking the right course, but at so late a season that the constituency could not possibly be represented by this Parliament.

**Hon. Sir GEORGE-É. CARTIER** explained, as on a previous occasion, that everything that could have been done in the matter last Session was done.

**Hon. Sir JOHN A. MACDONALD** moved that the petition against the return of Donald A. Smith, Esq., member for Selkirk, Manitoba, be referred to the Committee on Privileges and Elections.

**Hon. Sir FRANCIS HINCKS** moved that the Speech of His Excellency the Governor General be taken into consideration on Tuesday next.

**Hon. Mr. HOLTON:** Before orders of the day were called

would call attention to the fact that the papers relating to the Treaty of Washington, appear to be very incomplete. He found for instance that the promised explanations respecting the cause of the delay in calling Parliament together, which, it was said, would appear in the papers, were not given.

He found also that the papers did not bear out the statement made by the Minister of Public Works (Hon. Mr. Langevin), in his speech at Quebec last year, to the effect that Sir John A. Macdonald representing Canada individually, and his colleagues collectively, had protested against the execution and ratification of the Treaty. The inference was that there were papers on this point, and he thought the House was entitled to them.

The first remonstrance which appeared to have been made was contained in a Minute of Council dated July 28th, 1871, some two months or so after the execution of the Treaty, and the line of remonstrance there taken seems to him to follow very closely the comments of the public press that we were all familiar with.

**Hon. Sir JOHN A. MACDONALD** stated in reply that the Government had sent down all such papers as could properly be communicated and which in any way related to the ratification of that portion of the Treaty which relates to the Fisheries.

There had of course been a large mass of correspondence of a confidential character which could not properly be submitted to Parliament without prejudice to the interests of the Dominion, and to the Empire in the present exigency. The hon. gentleman would have to wait until they became historical and until the exigency that required their suppression had passed away.

The papers which had been sent down completed the case which the Government presented to the House as being the basis of the policy which they had the honor to submit.

**Hon. Mr. MACKENZIE** said that it had already become historical that the Government had sent a protest against the Treaty. The Minister of Public Works (Hon. Mr. Langevin) had so stated at Quebec. If he had done so without authority, then the leader of the Government might ask the forbearance of the House. But the statement having been made publicly, he thought the House entitled to the information. The hon. gentleman had stated the other day that when the papers were brought down it would be seen that the Imperial Government had requested the Government here not to call Parliament together at the usual time, but he could find nothing in the papers about it. He thought the House should know what reason the Imperial Government had given.



**Hon. Sir JOHN A. MACDONALD** replied that no statement made by him today was inconsistent with any previous one. The Minister of Public Works had made certain statement in a speech to his constituents which he (Hon. Mr. Langevin) would explain at the proper time. The delay in calling Parliament together might or might not have connection with the Fishery Articles. He denied that he had ever said the papers would show the reasons why Her Majesty's Government had asked that Parliament should be postponed.

**Hon. Mr. BLAKE** assumed that the Government had brought down the papers necessary to make out their case. He had noticed certain omissions, however, which he thought should be supplied for the information of the House. He noticed that there was a despatch dated 17th March, 1871, from the Imperial Government in answer to a telegraphic despatch of the Canadian Government of the 10th March, and he thought the latter despatch should be sent down. He had observed in the despatch dated February 16th, 1871, that the First Minister had been informed, though His Excellency, anterior to the acceptance of this appointment as a member of the Joint High Commission, of the impossibility of the Imperial Government pledging itself to any foregone conclusion with reference to the Fishery question. He did not find any despatch that had reached this country anterior to the appointment of the hon. gentleman.

**Hon. Sir JOHN A. MACDONALD** would inquire about the despatch of the 10th March. With respect to the telegraphic message alluded to, it could not be sent down as it was a despatch in cypher. There was in fact no necessity for bringing it down as the formal despatch contained *in extenso* all that that message contained in brief, the only difference being that one was received before and the other after his acceptance of the office.

**Hon. Mr. MACKENZIE** asked whether it was the intention of the leader of the Government to bring down the despatch giving the reasons of the Imperial Government for requesting the postponement of the meeting of Parliament.

**Hon. Sir JOHN A. MACDONALD** could not answer the question at once. He might be able to do so in a few minutes, but at all events he would on Monday.

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#### GOVERNMENT ORDERS

**Hon. Mr. HOWE** moved the House into Committee to take into consideration the following resolution:

*Resolved*—That out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, the sum of forty-five thousand dollars shall be annually applied, for the term of five years from the first day of July, one thousand eight hundred and seventy-two, to defray the expenses of the Geological Survey of Canada, during the said term, which sum shall be paid at such times, in such manner, to such persons, and for such purposes relating to the said

Geological Survey, as the Governor in Council may from time to time direct, subject to the provisions of the Act 31, Vic., Cap. 67, which shall continue to apply to the said Geological Survey, as heretofore and any balance remaining unexpended out of the sum appropriated for any one year, may be applied and expended in the next of any subsequent year, in addition to the sum appropriated for such next or subsequent year.

**Hon. Mr. HOWE** said the Government had considered the suggestion of the member for Lambton (Hon. Mr. Mackenzie) as to making the geological staff a portion of the Civil Service proper, and they had decided to adhere to the former practice. They were virtually members of the Civil Service now, but for reasons already explained, it was thought better to vote the amount necessary for the work as before.

**Hon. Mr. MACKENZIE** regretted the decision of the Government. It showed a want of confidence in Parliament. It would appear that they did not think it desirable that the Geological Survey should be protected and provided for as a regular branch of the public service. He thought differently, and had no doubt that the Survey would be well conducted by the gentleman at present at the head of it, as it had been by Sir William Logan. He would like to know whether the salaries of the gentlemen connected with the Survey were subject to deduction under the Superannuation Act.

**Hon. Mr. HOWE** said they were.

**Hon. Mr. MACKENZIE** thought that another reason why the Government should reconsider the matter.

**Hon. Mr. McDOUGALL (Lanark North)** thought the mode of conducting the business of the Survey a serious disadvantage to the public. He referred more particularly to the manner of publishing the reports. He had ascertained that the head of the Survey, Mr. Selwyn, a very distinguished scientific gentleman, who had been commended for the position by Sir William Logan, had to attend at Ottawa for the purpose of proof reading and looking after the printing of his report. He knew that the Geological report, from its highly scientific character, and the use of terms not commonly understood by proof readers required the constant supervision of some one familiar with those matters, but he thought it an awkward and expensive arrangement that the head of the Survey whose office was at Montreal should be compelled to come to Ottawa for that purpose. He thought the printing could be done in Montreal quite as cheaply and more efficiently at Montreal.

With regard to the question raised by the member for Lambton (Hon. Mr. Mackenzie) as to the rule, of which this is an exception, of voting money yearly, he thought this whole establishment must be considered as exceptional. The fact that it was under the control of the Dominion Government and at the same time had relation chiefly to subjects which were by the constitution under the control of the Local Governments was of itself an exceptional condition.

He approved, however, of the plan of having one survey for the whole Dominion in preference to separate provincial surveys. He

April 19, 1872

believed that the work had been performed in an admirable manner and to the satisfaction of scientific men abroad, much more so he believed than similar surveys of our neighbours. He thought that the vote for five or six years gave confidence to the officers, and he differed from the member for Lambton as to the expediency of leaving the question to the discretion of Parliament from session to session.

As to the general principle of Parliament keeping money under its control and voting each year the amounts required, he agreed with the member for Lambton. But of late we have seen a different principle adopted when it was thought proper, with regard to one great public interest (referring to the Ontario railway policy) to anticipate the revenue of the country for the next twenty years. (*Hear, hear.*)

**Hon. Mr. MACKENZIE** said the hon. gentleman had spoken in ignorance of the vote he had alluded to, but he (Hon. Mr. Mackenzie) was not here to defend the action of another Legislature, and he would give no further reply. He thought the printing of the Geological Report should be done at the capital and that their headquarters should also be there. He thought the public printing was very creditably done and if necessary the proof could be sent to Montreal for correction.

**Mr. GRANT** was pleased to hear the remarks of the member for Lambton (Hon. Mr. Mackenzie) as to the manner in which the work had been performed. There was no subject that came before the House of greater importance. He thought the vote too small considering the extent of the service. During the last season great exertions had been made to elicit some information with reference to the geology of British Columbia, and a large tract of country there required yet to be explored. The Department should have its headquarters here. He did not think that McGill College required the museum in Montreal, as they had a large collection of their own sufficient for all purposes of education.

**Mr. WORKMAN** bore testimony to the great benefit derived from the Geological Survey, and hoped the House would grant the money.

**Hon. Mr. MACKENZIE** did not think the country owned the museum at Montreal and therefore it could not be moved to Ottawa.

**Mr. De COSMOS** spoke of the surveys that had been prosecuted in British Columbia, the results of which would be gratifying not only to scientific men, but to the world at large. He spoke of the way in which the matter had been carried on in California and Oregon, where men of the highest attainments were engaged, who principally directed their attention to what was termed economical geology, the results being most beneficial, and hoped that in any directions or instructions given to the gentlemen who might be chosen in Canada, they should be asked to attend particularly to that branch. He was sure that every gentleman, no matter what his province, would gladly agree to the appropriation for a matter so important.

*[This being the hon. gentleman's maiden speech, he was cordially cheered.]*

**Mr. MILLS** thought the matter was entirely one with which the Local Governments should deal. If, however, a Geological Department was to be established and surveys made, it should certainly be connected with one of the public Departments, and steps should be taken to establish a Geological cabinet or museum in Ottawa showing the various products of the different parts of Canada. He instanced the Department at Washington as an instance of what this should be. Until Government was prepared to establish something of this kind, he did not think much good could result, for as things were at present the resources of the country were known to a few scientific men only, while practical men who desired to develop those resources could get no information.

He thought that wherever a Province was established, that Province should carry on its own surveys, but that the Dominion Government might act in those territories not forming Provinces. He should not, however, press this objection but should move in amendment that it was expedient to connect the survey with one of the Departments and that a geological cabinet should be formed at the capital.

**Hon. Mr. HOWE** thought that there could be no advantage in a subdivision of surveys. The desperate Provinces had not as yet done what was necessary and Manitoba, for instance, could not possibly be in a position to take the matter in hand. It was very important that the North West should be surveyed at once, as no doubt there would be immense deposits of coal disclosed. It would seem as if public men were born to disparage one another, but there was one name that all must mention with honor and respect—Sir William Logan—a man who had devoted his whole life and means to the prosecution of this matter; and though there might be an advantage in moving the headquarters of the staff from Montreal to Ottawa, it would be hard to move Sir William Logan who, as long as he lived, would continue to be the life and soul of the branch, no matter who might be the nominal head.

As to the remarks of the member for Lanark North (Hon. Mr. McDougall) with respect to printing the reports, that gentleman was no doubt correct in what he had said, but there were certain difficulties in the way of printing the reports at Ottawa, but he hoped the volume shortly to be submitted to the House would show that those difficulties had been surmounted in the best way possible.

**Hon. Mr. BLAKE** thought the remarks of the member for Bothwell (Mr. Mills) deserved the serious attention of the Government. There seems to be some difference of opinion as to whether the Museum at Montreal was public property or not, and he thought the House ought to be informed on the point. A Geological Cabinet was the most enduring memorial, and the most available result of researches and should be established. He desired to get information on another point. The last vote of the House had been \$30,000 annually for five years, but the present proposal was to increase that amount fifty per cent. Upon what estimate was this



increase based? He was not opposed to voting any reasonable sum that could be properly expended, but he thought the proposed increase should be explained.

**Hon. Mr. HOWE** said that with regard to the business, he believed Sir William Logan had his own very choice and valuable collection, but there was also a larger collection belonging to the country, and while the present arrangement lasted, the public had the benefit of both. A strong reason that these collections should remain at Montreal was that that city was in the direct course of the traffic of the St. Lawrence, so that twenty people visited it, while one came to Ottawa.

As to the proposed increase, it was based upon an estimate by Mr. Selwyn, and was intended to cover the additional cost of exploring the North West and British Columbia.

**Hon. Mr. BLAKE** thought there should be a statement of the collection belonging to the public at Montreal, and that all necessary steps should be taken to preserve it.

**Mr. GRANT** maintained that the collection ought to be moved to Ottawa, so that during the session the representatives of the people might be able to carry back to the constituents throughout the country a knowledge of what had been accomplished. He believed that the building now containing the collection was not secure, and thought it high time that means should be taken to place it in security.

**Mr. CUMBERLAND** was understood to refer to the recent proceedings in the Ontario Parliament, alleging that the members of that Government now so anxious for economy had not hesitated there to mortgage the whole Province for many years, and to increase in many ways the expenditure.

**Hon. Mr. MACKENZIE** said that the former Act allowing \$30,000 annually provided that a statement in detail of the expenditure should be submitted to the House within 15 days of the meeting of Parliament. The Public Accounts, however, merely mentioned one or two salaries and then placed \$29,000 to the current expenses. He asked for the necessary statement.

**Hon. Sir JOHN A. MACDONALD** referred to the remarks of the member for Bothwell (Mr. Mills) as to whether the Local or Dominion Government should deal with the matter, and in which he had the high authority of the member for Durham West (Hon. Mr. Blake) in support of the principle laid down by him, and said that if they were correct he was rather surprised the matter should have been allowed to go on so far.

With respect to the remarks of the Survey being merely scientific and not sufficiently practical, by not being a minute survey of the mineral resources of the country, he thought the subject was very well divided under the present system, and that while the geological character of the whole Dominion could be successfully ascertained and mapped out by the Dominion Government—the schools of mining established by the different provinces might simply direct

their attention to that branch of the subject in which the Province might be particularly interested.

With respect to the amendment proposed by the member for Bothwell (Mr. Mills) he thought it was not required. As to the first part, the Survey was already connected with the Department of the Secretary of State for the Provinces who was the responsible Minister in the matter, and the mere fact of the Superintendent of the Survey being in Montreal did not do away with that responsibility. He did not think it necessary to enter into the question as to whether the museum should be removed to Ottawa or retained at Montreal, but he did not think there was at present any secure building at the capital, at the disposal of the Government, to which the specimens could be removed. Before any removal could take place, therefore, such a building would have to be erected and it would be better therefore to let the collection remain at Montreal for the present under the supervision of Mr. Selwyn and Sir W. Logan.

The last part of the amendment as to the formation of a Geological Cabinet was worthy of all consideration and the Secretary of State for the Provinces would no doubt confer with Mr. Selwyn on the subject. With this assurance he suggested the withdrawal of the amendment.

**Hon. Mr. MACDONALD (Cornwall)** said that for 25 years a great amount of money seemed to have been expended without any adequate result. Under the present system comparatively few people knew what was done. He thought that while Ontario attended to its local interests in the matter, there could be no objection to the Dominion maintaining a survey throughout the whole country. He thought all the specimens belonging to the public should be brought to Ottawa and he should be fully prepared to vote a proper sum for the erection of a building for their reception.

He objected to that part of the proposition that if the full amount was not expended in any one year the balance should be available for the next. Any surplus ought to lapse and he hoped there would be a change in that respect. He did not object to the vote extending over five years.

**Mr. BLANCHET** hoped the Secretary of State for the Provinces would see the necessity of having the North West surveyed at once. Sometime ago it had been stated in newspapers that gold had been discovered at Peace River, and there had been extraordinary excitement on the subject. He thought there ought to be official information on the subject, as there was in America. He thought the locality of the Museum immaterial and that the name of Sir W. Logan was sufficiently well known to draw enquiring capitalists to him wherever he might be.

**Hon. Mr. HOLTON** should not object to the appropriation, but thought there ought to be an annual vote, and if in the progress of that measure an amendment was introduced with that view he should certainly support it. Under the old Act the appropriation was \$30,000, but the public accounts for 1866 showed an expenditure of



April 19, 1872

\$36,400, the excess being nowhere accounted for. He thought this should be explained.

**Hon. Sir FRANCIS HINCKS** said the question was one which it would have been better to have asked of the Committee on Public Accounts, as he could scarcely explain every item in the Public Accounts, but his impression was that there would prove to have been no excess over the total appropriation, and that there had been a larger expenditure in this particular year than in the others.

**Mr. THOMPSON (Cariboo)** was sorry that there should be so much debate about so paltry an amount as \$45,000, and would have rather wished that that sum should have been doubled, trebled, or quadrupled, and then something could have been accomplished.

It was very important that emigrants should have full information as to the resources of each portion of the Dominion, and if the matter were left to the different Provinces they might be tempted to give spurious information to attract emigration to their own lands; but the fact of the Dominion having obtained the information would be a sufficient guarantee of its correctness. He repeated that he was only sorry the amount was so small. (*Cheers.*)

**Hon. Mr. WOOD** thought the House had a perfect right to make an appropriation and that it could be done without clashing with the proceedings of the Provinces. He took no exception to the increase, but he did to the mode in which it was proposed to be done, as he thought there ought to be an annual vote. The principle was wrong, and full statements and information ought to be given each year and a vote obtained annually. There was no reason that this should be an exception to the general rule.

**Mr. MILLS** said he would withdraw his amendment after the remarks of the Minister of Justice (**Hon. Sir John A. Macdonald**).

The Committee then rose and reported the resolution adopted.

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#### LARCENY OF STAMPS

**Hon. Sir JOHN A. MACDONALD** introduced a Bill to render the larceny of Stamps criminal.

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#### PUBLIC OFFICERS BONDS

**Hon. Sir JOHN A. MACDONALD** introduced a Bill to provide a uniform Bond for all Officers of the Public Service required to give security.

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#### BANKS AND BANKING

**Hon. Sir FRANCIS HINCKS** moved the House in Committee

to consider certain resolutions respecting Banks and Banking.

**Mr. STREET** in the Chair.

The House being in Committee, **Hon. Sir FRANCIS HINCKS** moved:—

That it is expedient to amend Section 16 of the Government Savings Bank Act 34 Vic., Cap. 6, by providing that the surplus of the Assets of the St. John Savings Bank over its liabilities on the 1st July, 1867, which has been ascertained to be \$89,560.44 shall be left in the hands of the Trustees of that Institution to be by them appropriated to some local purpose of public interest, subject to the approval of the Governor in Council, and by providing that the surplus of the assets of the Northumberland and Durham Savings Bank over its liabilities on the 10th April, 1872, shall be left in the hands of the Trustees of that Institution, to be by them appropriated to some local purpose or purposes of public interest, subject to the approval of the Governor in Council.

**Hon. Sir FRANCIS HINCKS** said the object of the first resolution was to amend the Act of last session respecting the Savings Bank. That Act had been framed with reference to certain Savings Banks in Ontario and Quebec. At the time he had been under the impression that the Banks of Nova Scotia and New Brunswick were Government Savings Banks, and it was only after the passage of the Act that it became known that the Bank at St. John was not such, and had always been managed by Trustees. Those Trustees felt that they should be treated in the same way as other Banks, and the Government proposed to take over the Bank, leaving the Trustees to deal with their surplus in the same way as the Trustees of other Banks. This was the result of an arrangement with them with which they were satisfied. He then explained the position of the Northumberland and Durham Bank.

**Hon. Mr. BLAKE** said he knew nothing of the first case, nor did he intend to oppose the resolution as to the second, but the Committee ought to understand that it was a divergence from the purposes for which the surplus was dedicated by the Act under which the bank was incorporated. That Act prescribed and limited the mode of applying the surplus. For many years the bank had carried on a successful business, and had a very large account in hand which was now to be disposed of in some undefined way. The hon. gentleman might say that his proposal was the only course that could be adopted, but he merely wished to call the attention of the Committee to the fact without expressing any hostility.

**Hon. Sir FRANCIS HINCKS** said what the hon. gentleman had said was quite correct, but the Act had been intended to apply to large cities where there were many charitable institutions to which the surplus could be applied, but he believed that in the case of the Northumberland and Durham Bank there were no such institutions, and the act could not be carried out. Consequently the sum of \$87,669 had accumulated, and the trustees were anxious that it

should be appropriated to some public purpose, and he knew of no better mode of meeting the difficulty than that proposed.

**Hon. Mr. HOLTON** asked to what purpose the Minister of Finance thought the money could properly be applied. The effect of the resolution was certainly to divert the surplus from its original object.

**Hon. Mr. BLAKE** suggested the expediency of inserting some words to indicate the cause of the divergence.

**Hon. Sir FRANCIS HINCKS** said that he had no objection to do so. He assured the member for Châteauguay (Hon. Mr. Holton) that he had no idea in what way it was proposed to deal with the surplus, and did not think the trustees had decided on the point. He should be disposed to leave the matter to them.

**Hon. Mr. ANGLIN** said that no law existed declaring how the profits of the St. John Savings Bank were to be appropriated.

Some years ago the trustees concluded to put up the present Savings Bank building from those funds, and their doing so was the cause of considerable discussion at the time. He thought it would be well to determine how the money should be appropriated. It belonged, unquestionably, to the depositors, three fourths or nine tenths of whom were working men and servant maids, and it should be applied for the benefit of the working classes.

They had a Catholic and a Protestant Hospital at St. John, they were not incorporated, and therefore could not under the present law receive the money, but it would be easy to have the Act passed incorporating them.

He had heard it said that the money should be devoted to the establishment of an Art Gallery or Library, but he did not think either would benefit the working classes. He would like to see the money divided between the two Hospitals in preference to the Trustees being allowed to distribute it as they may choose.

**Hon. Sir FRANCIS HINCKS** concurred to a certain extent with the hon. member for Gloucester (Hon. Mr. Anglin). He believed one or two persons had suggested that the money should be applied to the establishment of an art gallery or library, but he felt sure that the trustees would not entertain such a proposition. He doubted the expediency of this House undertaking to say that the money should be applied for mere local objects. He believed that it would be applied to such objects as the hon. gentleman had suggested, but he thought it only appropriate to leave it to those under whose good management it had been accured.

**Hon. Mr. HOLTON** thought the objects of the original law were so clearly set forth that some general provisions should be made binding the trustees to certain purposes to which the money should be appropriated.

**Hon. Mr. CAMERON (Peel)** thought it better that the money should be distributed under judicial authority, rather than being left in the hands of the trustees, and suggested that it would be better to allow the resolution to stand until another day.

**Hon. Sir FRANCIS HINCKS** could not see any objection to the resolution passing as any amendment could be made in the Bill.

The first clause of the resolution was then passed: —

2. That it is expedient to amend the Act relating to banks and banking by correcting a clerical error in section 72, by protecting innocent parties to notes and bills in certain cases under section 52, and by enabling banks to receive deposits of savings for minors and others, under certain limitations.

**Hon. Sir FRANCIS HINCKS** explained the object of the second clause which was passed without discussion.

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## AFTER RECESS

3. That it is expedient to amend the Act regulating the issue of Dominion Notes 31 Vic., Cap. 46 by providing that the amount of any excess over nine million dollars may be held by the Receiver General partly in specie and partly in deposits in Chartered Banks.

**Hon. Sir FRANCIS HINCKS** explained that the object of the third clause was to remedy an inconvenience which had been found to exist in regard to the circulation of Dominion notes. By the Dominion Note Act the Government was required up to a certain point—to the extent of \$9,000,000—to keep twenty per cent in specie, and beyond that amount they were bound to hold in gold dollar for dollar.

The circulation had increased considerably beyond \$9,000,000, and they asked to be allowed to issue beyond that amount upon the deposits of chartered Banks, but never holding less than twenty per cent in gold. It would be a matter of considerable advantage to the Banks without being of any disadvantage to the Government. Inasmuch as the circulation is considerably beyond \$9,000,000 and is likely to still increase, there is no inducement to the Banks to issue small notes, and he had reason to believe that at present there were complaints in various parts of the country of the insufficiency of small notes, and he could see no objection to the amendment proposed.

**Hon. Mr. HOLTON** said his earnest desire was to support the Government, and he always tried to do so. (*Laughter.*) He asked whether it was proposed to deal with the ordinary balances of the Government in the banks as equivalent to a portion of specie



April 19, 1872

reserve to meet Dominion notes.

**Hon. Sir FRANCIS HINCKS:** Of course the Government will be perfectly prepared in dealing with Dominion notes to deal with any funds at their disposal.

**Hon. Mr. HOLTON:** If he understood the proposition of the hon. minister of Finance, he proposed to deal with deposits in the Banks as if they were so much specie for all the purposes of his current Act. What he desired to know was whether all the balance of the Government in the Banks were to be so considered, or whether he proposed to specialize certain balances as available for that purpose.

He could understand the desire of the hon. gentleman to have a large balance at his credit at the Bank of Montreal, making disposition for various purposes. He would like to know whether he contemplated usury, or having the power to use such balance as the basis of issue of currency. If such were the case he could see practical objection. The issues would be large when money was plentiful, but the moment the demands of Government required the use of those funds the hon. gentleman would have to lighten the money market by calling in the issues.

**Hon. Sir FRANCIS HINCKS** explained that there was no danger. He might occur were the Government able to expand the circulation, but it was to be observed that the circulation could only be expanded through the instrumentality of the banks. The Government had never issued a single note other than at the request of the banks. If the banks wanted notes they applied for them, and of course, when they got them, the Government had to keep a specie reserve of 20 per cent, and as far as he was concerned he had no hesitation in saying, he thought that while he occupied the position he did, he should unquestionably keep a reserve of twenty-five instead of twenty per cent, so that there would be margin of five per cent for fluctuations, which constantly occur in circulation, but the Government had no desire to extend the circulation.

His hon. friend wanted to restrict the money which they had in the banks because he feared it would be made the basis of an expanded circulation. Although the proposed amendment would be more advantageous to the banks than the present arrangement he was quite sure they (the banks) would not circulate one dollar of Government money if they could circulate their own.

**Hon. Mr. ANGLIN** thought the matter should be fully discussed. The intention of the Act now in the Statute book was to limit the circulation to \$9,000,000, beyond which, dollar for dollar should be held in gold. As he understood it, the Government wanted unlimited power to circulate. He considered that the proposition was for the benefit of the banks, and particularly the Bank of Montreal, and if any benefit was to be derived from the increased circulation, he thought the public should have it. He suggested that the larger notes should be withdrawn and smaller ones issued.

**Mr. WORKMAN** considered the measure was one required by the country, as he knew from personal experience both as a merchant and banker, that small notes were very difficult to get, not only in trade, but mechanics and others found great difficulty in getting them. He could see no objection, but on the contrary, thought the measure should pass.

**Hon. Sir FRANCIS HINCKS** in reply to Hon. Mr. Mackenzie, explained that there was at present no inducement to banks to circulate small notes, but if the proposed amendment was passed, it would be to the interests of the banks to co-operate with the Government in the circulation of small notes.

**Mr. CARTWRIGHT** cautioned the House against authorizing too large a circulation, which the Government might be called upon to redeem at any moment should a financial crisis occur.

**Hon. Sir FRANCIS HINCKS** did not see the slightest necessity for the apprehensions expressed by his hon. friend. The banks were bound by law to hold half their reserves in Dominion notes, and they were held chiefly in large notes. Considering the extent of the Dominion over which the notes are circulated the Government could hardly be called upon at one time to redeem all the notes. And they could get any amount of gold they might require from New York in twenty-four hours.

With regard to the Savings Bank deposits, there was not the slightest danger of a run upon the Government. His constant aim since he had held office, had been to reduce the debt of the country from a six to a five per cent interest, and he had partly succeeded in so doing. They were getting interest on \$7,200,000, and he did not think it prudent to go beyond \$9,000,000 of securities. He merely asked to treat the deposits in the Bank as equivalent to gold.

**Mr. RYAN (Montreal West)** complimented the Minister of Finance (Hon. Sir Francis Hincks) on his successful policy, and attributed the increased circulation to the withdrawal of specie, particularly American silver, amounting to over \$6,000,000, which was greatly appreciated by all the country. He should support the amendment.

**Mr. GIBBS** did not see there was any material change to be introduced except to enable the Minister of Finance in his returns to act in accordance with the Act. At present the Act was not prejudicial but such might not always be the case and he thought there should be no desire to embarrass the Minister of Finance in carrying out the Act. The country certainly required a larger circulation of small notes, and if the Government acted in good faith no harm could result.

**Hon. Mr. WOOD** said it appeared that the Act had worked well, that the public had confidence in the Act, and that the Government had carried out substantially the provisions of the Act to the extent



of the issue of \$4,000,000, while the country was secured, the Government got the use of \$9,000,000 without paying interest, and therefore the country gained. It was now found that in the interest of the country the banks required a larger circulation, and if the Government proposed to give the same security as for the \$9,000,000 already authorized that security would have been good.

**Hon. Sir FRANCIS HINCKS** desired to explain the matter, so that the Committee might understand it. The Government were now getting the interest on \$7,200,000, and if he thought it safe to increase that amount he would propose to do so, but he did not. He showed that on a certain date, though the Government had nearly \$1,000,000 in gold in excess of the 25 per cent of the circulation they were compelled to hold, yet the terms of the Act had obliged them to withdraw \$200,000 of the circulation, and it was to meet this difficulty that the proposal was made. He knew that a greater circulation in small notes was needed, but that was not the immediate cause for the resolution, but it was to do away with the difficulty that had arisen, and he was sure that it was in the interest of the Government and the public that the resolution should pass.

The resolution was then passed.

**Hon. Sir FRANCIS HINCKS** then moved that it is expedient to consolidate Acts respecting Public Debt and the raising of loans so as to make one Act applicable to all future loans, and amend the same by enabling the Governor in Council, in raising any loan hereinafter authorized, to establish a sinking fund not exceeding one half of one per cent per annum for paying of the same, and to change the form of any part of the funded debt by substituting one class of securities for another, provided the annual charge for interest not be increased, and to effect temporary loans for a limited time, and at a limited rate of interest in cases of temporary deficiency in the consolidated revenue fund to meet the charge on it. He said the object was that, whereas according to the present law the debt might be changed in character but not in amount, the law might be consolidated, but there was no particular deviation from the present state of things.

**Hon. Mr. HOLTON** would reserve any remarks until the Bill to be founded on the resolution was introduced.

Resolution carried and Committee rose and reported.

**The SPEAKER** reported the concurrence of the Senate in the address to the Queen on the recovery of the Prince of Wales.

**The SPEAKER** also reported a message from the Senate appointing Committees to act with the House of Commons with regard to library and printing.

**Mr. WALLACE (Vancouver Island)** asked whether the Government intended to appoint during the present year an officer or officers to administer the Indian affairs in British Columbia.

**Hon. Sir GEORGE-É. CARTIER** replied in the affirmative.

**Mr. WALLACE (Vancouver Island)** asked whether it was the intention of the Government to employ an armed vessel to cruise in the waters of British Columbia for the protection of outlying settlers against depredations by the Indians, and at the same time to assist in the suppression of the present illicit and pernicious traffic in alcoholic liquors among the Indian tribes.

**Hon. Sir GEORGE-É. CARTIER** said the Imperial Government had provided a vessel for this purpose, and consequently there was no necessity for the Canadian Government to do so.

**Mr. BLANCHET** asked whether it was the intention of the Government to fix the terminus of the Intercolonial Railway at Lévis, opposite Quebec, constructing a branch line from Saint Charles, County Bellechasse, through the parishes of Beaumont and Saint Joseph de Lévis.

**Hon. Mr. LANGEVIN** replied that the Government could not state their intention on the subject until the Intercolonial was completed.

**Mr. McDOUGALL (Renfrew South)** moved for a return of the cases decided by the Dominion Board of Arbitrators since Confederation.—Carried.

The House then adjourned at 9.35 p.m.

April 22, 1872

## HOUSE OF COMMONS

Monday, April 22, 1872

The **SPEAKER** took the chair at 3 p.m.

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*Prayers*

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A number of petitions were read.

**Mr. GIBBS** presented the first report of the Joint Committee on Standing Accounts. It recommended that a quorum of the Committee should consist of nine members, which was carried.

**Mr. HARRISON**, seconded by **Mr. STREET**, moved for leave to introduce a Bill to incorporate *The Mail Publishing Company*. Read a first time.

**Mr. HARRISON** also moved for leave to introduce a Bill to amend the Act relating to the carrying of dangerous weapons. Read a first time.

**Hon. Sir FRANCIS HINCKS** submitted certain statements concerning claims for losses by the rebellion in Manitoba and a statement of the affairs of the Bank of Upper Canada.

**Mr. HARRISON** introduced a Bill to extend the right of appeal in criminal cases. Read a first time.

In answer to Mr. Harrison,

**Hon. Sir FRANCIS HINCKS** said after the proceedings of last session it was not the intention of the Government to recommend the placing of duties on flour, wheat, corn, et cetera.

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### QUESTIONS BY MEMBERS

**Hon. Mr. GRAY:** Whether any arrangement has been come to between the Dominion Government and the Ontario Government, pending the investigation into the difference as to the Western bounds of Ontario, touching the mining rights, or the granting of Letters Patent in the disputed territory, whereby the development of that region can be satisfactorily carried on, and future litigation avoided?

**Hon. Sir JOHN A. MACDONALD** who was almost inaudible, was understood to say that there had been correspondence about the

boundary line, but none about mining locations.

**Hon. Mr. GRAY** inquired whether any steps had been taken by the Dominion Government to determine the exact position of the boundary line at the north-west angle of the Lake of the Woods, so as to prevent future difficulties with the United States relative thereto.

**Hon. Sir JOHN A. MACDONALD** was understood to say that there would be a Joint Commission on the part of the United States and Canada to settle the boundary line to the westward.

**Mr. FOURNIER:** Whether it is the intention of the government to take any action to compel the Hon. Judge Joseph Noel Bossé, appointed to perform judicial functions for the Districts of Montmagny and Beauce, to comply with the order of the Government of Quebec, dated 7th April, 1869, directing him to reside at St. Thomas de Montmagny, and ordering him to establish his domicile there as soon as possible.

**Hon. Sir JOHN A. MACDONALD** said the matter rested with the Local Government, and it was only in case of impeachment that the General Government could interfere. No petitions had been presented to Parliament.

**Mr. GODIN:** Whether it is the intention of the Government to issue regulations for the protection of fish in the inland lakes and rivers and to grant licences for fishing in these lakes and rivers under such suitable restrictions as will prevent the destruction of the fish in them, and whether permission will be granted to Canadians to exercise this branch of industry to their own profit to the exclusion of foreigners, or whether leave will be given to foreigners to engage in the business concurrently with Canadians?

**Hon. Mr. TUPPER:** It is the intention of the Government to issue regulations so far as Canadians are concerned, but it is not the intention to grant concurrent privileges to foreigners.

**Mr. GODIN** Whether it is the intention of the Government to pay the claims that have been sent in to it by hotel keepers and wagon owners, who have boarded and provided transport for the Volunteer Force, or have rendered it other services during the Fenian invasion of 1870, and whether it is the intention of the government to oblige those Officers of the Volunteer Force, in whose hands the amount of such claims may have been placed, to pay over the same immediately to the proper parties.

**Hon. Sir GEORGE-É. CARTIER** said that in 1870 the Government had paid all accounts presented by Commanding



Officers. The Government did not pay such accounts unless represented. He was not aware than any complaint had been made of any officer keeping back moneys which ought to have been paid to parties for the conveyance of troops.

**Mr. BLANCHET:** Whether it is the intention of the Government to bring down, during the present session, a Bill for the Regulation of Weights and Measures?

**Hon. Mr. MORRIS** understood that a measure had been framed by the Imperial Government, which they intended to present to Parliament during the present session, and it was thought advisable to obtain the benefit of it before introducing a Bill here.

**Mr. BLANCHET:** Whether it is the intention of the Government to keep up, during the coming session, the naval force charged with the protection of the Canadian fishermen in the waters of the Gulf of St. Lawrence; and if so, whether her Majesty's squadron is to give its support and co-operation to the Dominion force?

**Hon. Mr. TUPPER:** It is the intention of the Government to provide the same force as before, and the Imperial Government would continue to aid the Dominion.

In reply to Hon. Mr. Smith (Westmorland), **Hon. Mr. LANGEVIN** said that it was the intention of the Government to provide additional railway stock on government railways in New Brunswick.

**Hon. Mr. Le VESCONTE:** Whether it is the intention of the Government to enlarge the St. Peter's Canal so as to permit the passage of a paddle-wheeled steamer through the locks thereof, and facilitate the navigation through said canal by placing mooring buoys outside of each entrance thereto?

**Hon. Mr. LANGEVIN** said it was the intention of the government to cause an examination of the canal to be made to ascertain what may be required.

In reply to Mr. Cumberland, **Hon. Mr. LANGEVIN** said that it was the intention of the Government to place a sum in the Estimates for the purpose of constructing a wharf at Prince Arthur Landing.

**Mr. CUMBERLAND:** Whether, in view of the large influx of miners and others to the Thunder Bay and Shebandowan districts, which in consequence of recent important mineral discoveries there, is expected to occur on the opening of navigation, it is the intention of the Government to make any additional provision by the establishment of a police force or otherwise, for the keeping of the peace and the maintenance of law and order in those localities?

**Hon. Sir JOHN A. MACDONALD** said the matter was under the consideration of the Government.

**Hon. Mr. McKEAGNEY:** Whether it be the intention of the Government to establish a Savings Bank in the County of Cape Breton, and if so, when it may be expected to go into operation?

**Hon. Sir FRANCIS HINCKS** said it was the intention of the Government to do so, and that it would come into operation on 1st July next.

**Hon. Mr. CHAUVEAU:** Whether it is the intention of the Government to adopt more effectual measures for the protection of fish in the rivers and lakes North of Quebec; the said lakes and rivers being in many cases fished without any regard for the future by foreign speculators?

**Hon. Mr. TUPPER** said it was the intention of the Government to take the most effectual measures in their power, but that much depended on the inhabitants themselves in the carrying out of the laws for the protection of fish in rivers and lakes.

In answer to Mr. Houghton,

**Hon. Mr. LANGEVIN** said it was the intention of the Government to take measures for the removal of one of the rocks known as the "Sisters," which endanger the navigation of the Fraser River in British Columbia, between New Westminster and Yale.

In answer to Mr. De Cosmos,

**Hon. Mr. HOWE** said it was not the intention of the Government to make an appropriation for a Geological Museum in British Columbia. He would remark that no such Provincial Museums existed in the Dominion.

**Mr. WORKMAN:** Whether it is the intention of the Government, in view of the great pressure of legal business at Montreal, and the reported indisposition of the Judges there, to appoint a fifth Judge for that City and District?

**Hon. Sir JOHN A. MACDONALD** said that an Act had been passed by the Quebec Legislature authorizing a sixth Judge and it was the intention of the Government to ask a vote for the salary, when the appointment would be made.

**Mr. WORKMAN:** Whether it is the intention of the Government, in view of the greatly increased cost of the necessaries of life, and the changes in society during the past twenty-five years, to increase the salaries of the Judges of the Province of Quebec, which were fixed at their present amount a great many years since, when rearing and educating a family, and the cost of living were less than one-half of what they now are, more especially in the cities of Montreal and Quebec.

**Hon. Sir JOHN A. MACDONALD** said it was not the intention of the Government to do so this year.

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#### SURVEY AND MANAGEMENT OF INTERCOLONIAL RAILWAY

**Mr. JONES (Leeds North and Grenville North)** moved for an address for a statement of the costs and charges connected with the



April 22, 1872

survey and management of the Intercolonial Railway.

**Hon. Mr. MACKENZIE** asked when the report of the Commissioners would be presented.

**Mr. WALSH** replied that the Report was handed to the Governor on Saturday last, and stated that it contained most of the information asked for in the motion of the hon. member for Leeds.

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#### GAUGES OF GRAND TRUNK AND INTERCOLONIAL RAILWAY COMPANY

**Mr. BODWELL** in moving for an address for correspondence, said that as the broad gauge and steel rails had been determined upon, he presumed there had been some correspondence, and hence his motion.

**Hon. Mr. LANGEVIN** said there had been none, and the matter dropped.

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#### CHARGES AGAINST COL. SKINNER

**Mr. OLIVER** moved for the correspondence relative to the charges brought against Col. Skinner, while acting as Captain of the Wimbledon team. One charge was that the men of the team had been accommodated in a very small room on their arrival at Liverpool; that at Kingston he had engaged the services of a German Jew as a servant and had paid for such services out of moneys belonging to the team, et cetera. He thought that a matter which was very injurious to the Volunteer Force, ought to be settled at once if possible. It was in the interest of the country that the dispute should be settled.

**Hon. Sir GEORGE-É. CARTIER** said there were no papers relating to this matter before the Government. The Ontario Wimbledon team was got up by private subscription. He was happy to learn that the Wimbledon team had gained in England a reputation which not only did them honour but added a lustre to the Volunteers of the Dominion. He repeated there was no correspondence whatever before the Government.

The matter dropped.

**Mr. METCALFE** moved an Address for return of amounts paid to any Departmental Clerk or Officer as extra pay during the fiscal year ending 30th June, 1871, &c.—Carried.

Also—Address—Return of sums charged and received by the Department of Justice, the Deputy of said Department or any Officer or Clerk thereof, by way of costs on moneys overdue upon Ordnance Lands sold under authority, &c.—Carried.

And also—Address—Return of money charged or received on account of salaries, extra service, travelling expenses or any other account by the several Deputy Heads and Officers of Departments

at Ottawa, &c.—Carried.

**Mr. FOURNIER:**—Address—Correspondence in relation to the necessity of appointing a resident Judge for each Judicial District in the Province of Quebec, &c.

**Hon. Mr. DORION:**—Address—Correspondence on the subject of the division of the surplus of the debt of the former Province of Canada, &c.

**Hon. Sir JOHN A. MACDONALD** was not aware that there was any correspondence on the subject.

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#### EMIGRATION TO FORT GARRY

**Mr. STIRTON** moved for an Order of the House for a statement of the expense of maintaining teams and men at Prince Arthur's Landing for conveyance of emigrants to Fort Garry.—Carried.

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#### CENSUS

**Mr. STIRTON** moved for an Order of the House for a statement of payments made in connection with the taking of the census up to the 1st March, 1872.

**Hon. Mr. POPE** said that all particulars connected with the taking of the census would be laid before the House in the course of the session, and the motion was consequently unnecessary. Motion withdrawn.

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#### SCHOONER "C. H. HORTON"

**Hon. Mr. GRAY** moved an address for copies of all correspondence respecting the alleged abduction of the American fishing schooner "C. H. Horton".—Carried.

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#### FISH EXPORTED

**Mr. FORTIN** moved an Address for return showing the quantity and value of fish exported from the Dominion to the United States and other foreign countries.

**Hon. Mr. TILLEY** said that all the information that could be given was contained in the Trade Returns already before the House.

**Mr. FORTIN** said what he wanted to ascertain was the quantity of the different sorts of fish exported, which was not stated in the return mentioned. He thought this information and also particulars of the amount of Fresh Fish imported from the United States would be found very important in the discussion of the Treaty.

**Hon. Mr. TILLEY** said that all information in the possession of the Government should be supplied.

**Mr. FORTIN** asked that if it was found that the Government could not give the particulars this year, they would do what was necessary to see that the particulars were obtained in future.

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#### PENSIONS

**Hon. Mr. HUTCHISON** moved an address for the names of all officers pensioned from 1st July 1871 to 1 April 1872.

**Hon. Sir FRANCIS HINCKS** referred the mover to a statement already before the House which contained the information asked for.

**Hon. Mr. HUTCHISON** said he would consult the statement referred to.

Motion allowed to stand.

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#### ABSTRACTION OF MONEY LETTERS FROM HALIFAX POST OFFICE

**Hon. Mr. HUTCHISON** moved for copies of all correspondence relative to the abstraction of money letters from the Halifax Post Office.—Carried.

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#### INDIAN COMMISSIONER FOR NORTHUMBERLAND, NEW BRUNSWICK

**Hon. Mr. HUTCHISON** moved for copies of correspondence respecting the appointment of a Commissioner or Commissioners for the Indians in Northumberland, New Brunswick.—Carried.

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#### MEETING OF PARLIAMENT

**Hon. Mr. BLAKE** moved for copies of correspondence with the Imperial Government as to the time of meeting of the Parliament of Canada for the year 1872. He said that from the mention made in the Speech from the Throne as to the action of the English Government in the matter, the Government must have contemplated informing the House on the subject, and he thought the papers should be submitted.—Carried.

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#### SILVER COIN

**Mr. OLIVER** moved for statements showing the amount of American Silver Coin withdrawn and sold by the action of the

Government, and the amount of new silver coin put into circulation since the last returns were made.—Carried.

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#### INSOLVENCY LAWS

On the Second Reading of **Mr. COLBY's** Bill "An Act to repeal the insolvency Laws" coming up, **Mr. Colby** stated that he proposed to let the matter stand in consequence of the absence of many members particularly interested in the matter.

Upon this a conversation arose as to the expediency of his doing so in the course of which,

**Hon. Mr. MACKENZIE** said that a great majority of the House were in favor of the Bill, and that in fact it might have carried last Session, but for what he deemed an imprudent concession on the part of the mover, and he feared the same disaster might again result. He thought also that the Government were bound to state their views respecting the very important commercial interests involved in the repeal of the Insolvency Laws. The Government had intimated last Session the intention of the House to repeal these Laws, and it was their duty to have provided for such being done.

**Hon. Sir JOHN A. MACDONALD** did not think the hon. member had any right to use such language in the matter. The hon. gentleman who had charge of the Bill was above all suspicion, both in and out of the House, and was just as sincere as the member for Lambton (**Hon. Mr. Mackenzie**), who had no right to take him to task as he had done.

**Hon. Mr. MACKENZIE** protested that he had not taken the mover to task as he had the most perfect confidence in him.

**Hon. Sir JOHN A. MACDONALD** said he could not then have perfect confidence in those who had advised the postponement. There was plenty of time to get through the measure. As to the remarks of the hon. member for Lambton, respecting the duty of the Government, he thought them quite unnecessary. The Government did their duty to the satisfaction of a majority of the House, and he believed to the satisfaction of the country. (*Hear, hear.*)

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#### FISHERIES

On a motion for adjournment, **Hon. Mr. MACKENZIE** asked when they might expect the papers asked for respecting the Fisheries and the Treaty of Washington, and also what papers would be brought.

**Hon. Sir JOHN A. MACDONALD** said that with respect to those asked for by the member for Durham West (**Hon. Mr. Blake**) he was unable to bring them down. They had been carefully perused, and it was found that they could not be submitted to the House or the country, without injury to the public interest, and

April 22, 1872

without injustice to the Imperial Government. They would not however in any way affect an intelligent discussion of the Treaty. Tomorrow he would state what additional papers would be brought down.

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#### LEGISLATION

**Hon. Mr. BLAKE** asked when the Government intended to give notice of the introduction of the Bills spoken of in the opening speech.

**Hon. Sir JOHN A. MACDONALD** said that the measure relating to the Treaty of Washington would be submitted

immediately after the Budget Speech which would take place on Tuesday week. That relating to the Pacific Railway would be brought down in a very few days and the Representation Bill either this week or next.

**Hon. Mr. BLAKE** urged it was essential there should be no delay in submitting this last-mentioned measure.

**Hon. Mr. HOLTON** suggested that in order to facilitate the business of the House, Government measures should be on the papers every day, the same rule of precedence being observed as at present.

The House then adjourned at five o'clock.





April 23, 1872

## HOUSE OF COMMONS

Tuesday, April 23, 1872

The **SPEAKER** took the chair at 3 p.m.

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*Prayers*

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### ROUTINE BUSINESS

**Mr. MORRISON (Niagara)** presented a petition to extend the time for commencement of the Huron and Niagara Ship Canal.

**Mr. SCRIVER** presented a petition for a charter for the Quebec Railway Co.

**Hon. Mr. HUNTINGTON** presented the first Report of the Committee on Standing Orders.

**Mr. MORRISON (Niagara)** introduced a Bill to incorporate the Detroit Railway Bridge Co.—Referred to committee on Railways and Telegraph Co.

**Mr. MORRISON (Niagara)** introduced a Bill to incorporate the St. Clair Railway, Bridge, and Telegraph Co.

**Mr. COSTIGAN** introduced a bill to compel Members of the Local Parliament, when dual representation is not allowed, to resign their seats before becoming Members of this House.

**Mr. SHANLY** introduced a Bill to amend the Act of Incorporation of the Caughnawagha Canal Co.

**Hon. Mr. IRVINE** introduced a Bill to incorporate the Canada Railway Equipment Co.

**Hon. Mr. LANGEVIN** gave notice that he would move the House into Committee on certain resolutions respecting the enlargement of the Dominion canals respecting the improvement and enlargement of the canals, as recommended by the report of the Canal Commissioners, and the construction of the Baie Verte Canal.

**Hon. Sir GEORGE-É. CARTIER** gave notice that he would move a series of resolutions relative to the Canadian Pacific Railway.

**Hon. Sir JOHN A. MACDONALD** brought down the letter of Hon. Mr. Campbell on the Fishery question. Also all

correspondence on the question which could properly be brought down in the interests of the country. The concurrence in the resolution asking for a grant of \$45,000 for the Geological Survey was taken up.

The resolutions were concurred in and read.

**Hon. Mr. HOWE** introduced a Bill founded on the resolutions.

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### GOVERNMENT SAVINGS BANK

**Hon. Sir FRANCIS HINCKS** having moved that the Report of the Committee of the Whole on certain resolutions respecting the Government Savings Banks &c. be received.

1. *Resolved*, —That it is expedient to amend Section 16 of the Government Savings Bank Act 34, Vic. Cap. 6, by providing that the surplus of the assets of the Saint John Savings Bank over its liabilities on the 1st July, 1871, which have been ascertained to be \$39,560.44, shall be left in the hands of the Trustees of that Institution to be by them appropriated to some local purpose of public interest, subject to the approval of the Governor in Council, and by providing that the surplus of the assets of the Northumberland and Durham Savings Bank over its liabilities on the 10th April, 1872, which have been ascertained to be \$87,669.91, shall be left in the hands of the Trustees of that Institution, to be by them appropriated to some local purpose or purposes of public interest, subject to the approval of the Governor in Council.

2. *Resolved*, —That it is expedient to amend the Act relating to Banks and Banking, by correcting a Clerical Error in Section 72, by protecting innocent parties to notes and bills in certain cases under Section 52, and by enabling Banks to receive deposits of savings from minors and others, under certain limitations.

3. *Resolved*, —That it is expedient to amend the Act regulating the issue of Dominion Notes, 33 Vic., Cap. 10, amending the Act 31 Vic., Cap. 46, by providing that the amount of any excess over nine million dollars may be held by the Receiver General, partly in specie and partly in deposits in Chartered Banks.

4. *Resolved*, —That it is expedient to consolidate the Acts respecting the Public Debt and the raising of loans so as to make one Act applicable to all future loans, and amend the same by enabling the Governor in Council, in raising any loan hereinafter authorized, to establish a sinking fund not exceeding one-half of one per cent per annum for paying of the same, and to change the

form of the funded debt by substituting one class of securities for another, provided the annual charge for interest be not increased, and to effect temporary loans for a limited time, and at a limited rate of interest in cases of temporary deficiency in the consolidated revenue fund to meet the charges on it.

The 1st and 2nd Resolutions, being read a second time, were agreed to.

**Mr. CARTWRIGHT** moved, in amendment, seconded by **Mr. GODIN**,

That all the words after "That" to the end of the Question, be left out, and the words "whereas, on the 31st December, 1865, the various Banks of the late Province of Canada held the sum of \$7,594,170, in gold, against a circulation of \$12,128,772—being in the proportion of 62 per cent of the said circulation,—and whereas the Banks of Quebec and Ontario (forming the said Province), held on the 31st December, 1871, the sum of \$6,526,072 in gold, as against a circulation of \$22,919,342, being in the proportion of 28 per cent of the said circulation,—and whereas the result of the recent financial measures introduced by the Government has been, to a great extent, to replace a paper currency directly based upon gold, by a paper currency based upon another paper currency, this House views with alarm the proposition of the Government to still further diminish a comparatively small reserve of bullion now remaining in this country; that the power proposed to be conferred by the measures now before the House, will practically enable the Ministry of the day to effect loans to a large amount with any Bank or Banks they may see fit, and that it is not expedient to entrust any Government with such power without special consent of Parliament in each case,—and lastly that the general result of the modifications proposed to be introduced into the present Law, will be to interweave the interests of the various Banking institutions of the Dominion with the Government still more closely than at present,—whereas it is extremely desirable that the national finances should be kept as far as possible independent of and unaffected by the fluctuations to which the trade and commerce of every country are constantly exposed."

He claimed the indulgence of the House for trespassing upon their time with so dry a subject. He called attention to the preamble of the amendment and stated that he had always contended that the Government were dangerously diminishing the bullion held in this country. He had no doubt that the Finance Minister would give the usual answer that in the first instance the banks hold a very large amount of legal tenders in the shape of Government notes, which are as good as gold; and have large bank balances available for the protection of their circulation. With respect to the legal tenders under the present law, the banks were bound to hold one-half of their cash reserves in legal tender notes, and although it was thought they could use them very much as gold, anybody who had paid any attention to the matter was aware that it was very questionable whether the Banks were at liberty to use these tenders in the same way as their gold reserves.

As regarded the Bank balances, although large, it should be remembered that the Returns of those balances included in some cases money that was not in the country. The balance in the case of the Bank of Montreal of 9 or 10 millions was the most actively employed capital they had and could not be considered as always available. The circulation of the Government notes consisted

principally of those of small denominations under four dollars, but the circulation of the Banks being in large notes they would, in times of sudden contraction, be more liable to return on their hands than small notes.

With reference to the first proposition in his amendment he might appeal to English practice to show the importance of retaining large reserves of bullion in the country, but under the circumstances he would merely call attention to the manifest fact that he had stated in his preamble as to his second proposition, he did not think it expedient to give any Ministry power to effect large loans with individual banks. Such power had been useful, but he considered it a dangerous precedent, one always liable to abuse.

The third proposition went deeper into the principles at issue. He had no doubt it might appear that the interest of the Banking Corporation should be interwoven with those of the Government, but he looked upon it in a different light. He looked upon the Government as being the custodian of the public credit, who should enforce the regulations which the House saw fit to adopt with regard to those corporations. If the Hon. Minister of Finance had spent here the fifteen years which he had devoted to the service of Her Majesty abroad he would know that the fears he expressed were either ill-grounded or visionary, that was, judging the future by the past; we were now in a state of great prosperity such as had not been known for a period of twenty years, and it was only necessary to refer to the Public Accounts to see that the revenue had increased at least fifty per cent in about two years.

But this state of things might not last, a reaction could come, and he hoped the results would not be so disastrous as they had been before. If disaster should come upon us, he believed that the policy now being adopted by the Government would make that disaster worse. But he knew that the banking institutions were the Government in the matter and that it would be hopeless to oppose them. The House knew that in the nature of things a reaction would take place and times of adversity would come. Their powerful pressure would be brought on the Government to induce them to issue additional currency, and to suspend specie payments. This had been done by the States possessing greater resources than we did.

He believed that we were creating a complicated system which it would be found difficult to undo, if circumstances of commercial stringency should threaten. It was with vicious systems very much like ill weeds, they grew apace, and sent down their roots a great distance. In moving the amendment now before the House he did so for the purpose of placing on record his protest against a system which he believed would be disastrous in the country.

**Hon. Sir FRANCIS HINCKS** was reminded by the hon. member for Lennox (Mr. Cartwright) of the boy who was constantly crying wolf, and all knew the result. After crying for a long time, his cry was disregarded, and he believed he came to an unfortunate end. (*Laughter.*) He thought the hon. gentleman had expended a great deal of eloquence and zeal upon a very small



April 23, 1872

object. Had he (Hon. Sir Francis Hincks) asked permission to borrow more money on the security of circulation, the remarks of his hon. friend would have been something more to the point, but he had done nothing of the kind.

The resolutions had already been fully discussed at a previous stage, and he had answered every question that had been asked. The House would stultify itself by adopting the statement of his hon. friend, which was incorrect, to prove which he quoted from a last returns published. There had never been a time that the gold held by the Government had not been sufficient for any run that could possibly be brought upon it. The Dominion Note Act had worked with the greatest satisfaction both to the banks and to the Government.

With regard to the position of the Government, it was well known that under the Dominion Note Act a good arrangement had been made with the banks. The Government had at that time a very large circulation in the Bank of Montreal, which under the old arrangement did not issue any notes of its own and the hon. member for Lennox (Mr. Cartwright) had pressed upon the Government the expediency of changing that arrangement. Had not the Dominion Note Act passed, the Government would have had to redeem the whole of that amount. They had now in circulation only \$1,797,087 in Dominion Notes, all the others having been redeemed. Large notes of the denominations of \$500 and \$1,000 had been found of great convenience to the banks as they were enabled to settle their balances with them instead of having to use gold or Bills of Exchange. The small note circulation is \$3,621,000, and being absolutely necessary for the public to have could not be drawn from circulation.

There were various reasons to induce the Government to bring forward the proposition under discussion. They had to be constantly, week after week, calling upon the banks for a reduction of their circulation in order to prevent an excess of the amount, beyond which they had to hold dollar for dollar in gold. They had no less than thirty-three per cent in gold and still had to withdraw \$200,000 from circulation, although many complained of the want of such notes. He did not expect Banks would issue a single note under the present arrangement if they could avoid doing so. The resolutions of his hon. friend dealt with the liabilities, but not the deposits.

**Mr. GIBBS** would like to ask the Finance Minister if, under the Bill to be introduced, the returns would show the amount held by the Government as gold, and as a separate return, the amount held by the Banks.

**Hon. Sir FRANCIS HINCKS:** Certainly.

**Mr. GIBBS** thought that would get over, to a very considerable extent, the difficulties about which he addressed the House when the resolutions were previously under discussion. As he understood the intention of the hon. Minister of Finance, it was to get over the difficulty which he found in making up his weekly return, which every now and then was in excess of the issue authorized, and he

(Mr. Gibbs) thought it desirable that the difficulties should be overcome.

The original resolutions were then carried, those of Mr. Cartwright being lost.

**Hon. Sir FRANCIS HINCKS** introduced a Bill to amend the Government Savings Bank Act; also, a Bill to correct a clerical error in the Act relating to Banks and Banking, and to amend the said Act; also a Bill to amend the Act relating to Dominion Notes; also, a Bill respecting the public debt and the raising of loans authorized by Parliament.

**Hon. Sir FRANCIS HINCKS** moved the House into Committee of Supply, **Mr. STREET** in the chair.

The House received the bills, which were read the first time.

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### LARCENY OF STAMPS

**Hon. Sir JOHN A. MACDONALD** moved the second reading of a Bill respecting the Larceny of Stamps. He explained that the object of the Bill was to make stamps, whether issued by the Dominion or Provinces, a valuable security, and any person stealing them liable to be tried for stealing the amount expressed on the face of the stamp

**Mr. HARRISON** would seriously suggest to the consideration of the Government the propriety of abandoning the stamp tax, and if necessary raising the amount thereof by some other means. In many parts of the Dominion the law is not understood, and where it is the stamps are frequently not to be had, and when they are to be procured they are of such a character that they will not adhere to the paper, resulting in embarrassment of business, and he thought the law opened the way to fraud as many stamps were used more than once.

**Hon. Mr. CAMERON (Peel)** suggested the use of stamped paper, as in England, which would prevent the possibility of stamps being used more than once.

**Mr. WORKMAN** concurred with the hon. gentleman who had just spoken as to the inferior quality of stamps supplied.

**Mr. SAVARY** thought there could not be a more inconvenient way for raising revenue in Canada than by a stamp revenue. It bears very hard in the rural districts where a man has to travel several miles to get a stamp or his note is worthless. He had known one case in which a person had been supplied with postage stamps for bill stamps. He suggested that the Act should be amended or abolished altogether

**Mr. FERGUSON** spoke against the Bill.

**Mr. STREET** said the suggestion of the member for Peel (Hon. Mr. Cameron) would be very embarrassing in rural sections of the country and he could not therefore concur in it. He agreed with the

member for Toronto (Mr. Harrison) that if the Government could dispense with the tax it would be very advantageous to the country, and he hoped the Government would give the matter their best consideration.

**Hon. Mr. ANGLIN** said that nothing could be more desired by the Lower Provinces than the total abolition of the Bill.

**Hon. Sir JOHN A. MACDONALD** said he did not propose to enter into a discussion of the Stamp duty, as it was irrelevant to the matter in hand. The immediate cause of the introduction of the Bill was an embezzlement of postage stamps, and its object was to make those stamps a valuable security. As to inconvenience arising from the imposition of the stamp tax, there was no species of tax against which some objection could not be raised. He would ask those members connected with rural districts, and who spoke of the inconvenience of the tax, whether they would not prefer to have this part of the revenue raised by way of tax on Bills and Promissory Notes, than on tea and sugar and other necessities of life. (*Cheers.*)

**Hon. Mr. MACKENZIE** thought they could not afford to disregard the mode of taxation practised in England. During the past twenty years they had endeavored to reduce it as much as possible on imports of necessities, and had transferred it to objects of inland revenue. He was glad to have this principle acknowledged in Canada, and he therefore had not looked unfavourably on the imposition of the Stamp Tax.

**Mr. MASSON (Soulanges)** said the tax was no doubt objectionable in rural countries, and he would propose that all bachelors throughout the country should be taxed. (*Laughter.*)

**Hon. Mr. MORRIS** said the matter of the stamp duty was receiving the consideration of the department.

The Bill then passed its second reading and passed through Committee.

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### INJURY TO PROPERTY

**Hon. Sir JOHN A. MACDONALD** moved the second reading of "An Act to correct a clerical error in the Act respecting malicious injuries to property."—Carried.

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### INSOLVENCY LAWS

**Mr. COLBY** moved the second reading of "An Act to repeal the Insolvency Laws." He said the Bill proposed the entire abolition of the existing insolvency laws of the Dominion. It was framed in accordance with his personal convictions in the matter, and he believed, in accordance with the solid sentiment of the section of the country with which he was most familiar, and also of the House and of the country at large. He was not one who believed that an insolvency law was per se and under all circumstances

objectionable, but thought there were occasions when it was necessary. After some great financial crisis such a measure might be beneficial. It had happened in this and other countries that the most prudent men were plunged into this same ruin with the reckless and imprudent, and then some peculiar remedy should be provided.

He did not think the present Insolvency Laws were in accordance with the principles of morality. That portion respecting voluntary assignments said to the debtor, "the moment you find it inconvenient to pay your debt, you are privileged to compound them," and he thought nothing more demoralizing could be found in any law. This was seriously damaging to the country, for the moment men got into difficulties they ceased to struggle to extract themselves, and found it much more convenient to pass through the legal process and so relieved themselves from all obligations. The speech of His Excellency told them that the country was now in an unusual state of prosperity, and that prosperity extended to all branches of industry, and yet if one derived his impression of the prosperity of the country from the Official Gazette he would believe they were in a state of bankruptcy. The number of insolvents was appalling and was entirely inconsistent with the idea of prosperity.

He believed that the effect of the Insolvency Law in a new country like Canada was particularly injurious, for it could not but encourage recklessness in trade. He held out to any man desiring to become suddenly rich the prospect of the realisation of wealth if he prospered, without anything counterbalancing if he failed. Young men without experience or business habits, and with very insufficient capital, entered into business and speculated because if they were fortunate all would be well while if they were unfortunate they were relieved from all consequences. So much was the case that there was now no dread of being known as a bankrupt, and indeed many persons who had passed through bankruptcy four and five times now held up their heads as honest business men.

He had received communications from all parts of Ontario and Quebec all pressing for the abolition of the Laws, and he had been told of a case of an Insolvent for whose estate the principal creditor had offered \$14,000, the whole of which amount had been absorbed in costs and a large commercial house in Montreal wrote him that under the operation of the Insolvency Laws their losses had doubled. There were a number of assignees whose special business was to find out men in business who were in difficulties, and to encourage them to take advantage of the Act. It had been stated that the Act might be amended, but he believed the difficulty lay in the very principle of the Act.

He was fully persuaded that the sentiment of the country was entirely in favor of the abolition of the Laws, and if at any future time they might be again needed they could be restored. He believed that the occurrences of the last session when the second reading of his bill had been passed by a large majority against the wishes of the Government showed how strongly the House was in his favour. He believed that the entire retail trade of the country desired the abolition of the Act, for they suffered extreme hardships



April 23, 1872

in consequence of the numerous composition arrangements made, so much so that the Act was a simple abomination to the whole trade. He believed also that the great mass of the wholesale dealers held a like opinion.

He then referred to the memorials presented from the Boards of Trade against the abolition, but questioned whether they were worthy of any great weight. In Toronto great difficulty was experienced in getting a meeting, and in Montreal the memorial emanated merely from a small majority of the Council and not of the mass of the Board. He also referred to the resolution of the Dominion Board on the subject. He referred to the class of small manufacturers now rapidly springing up, than whom no class was more strongly desirous that the laws should be abolished. In conclusion he apologized for detaining the House so long.

**Mr. HARRISON** said he concurred in some of the remarks of the mover. He did not think that the working of the Act had been in all respects satisfactory; no doubt the facilities for going into bankruptcy were too great, the facilities for obtaining discharges were too great, the expenses of working an estate through bankruptcy were too great, but he believed these three were the only abuses that were alleged to exist. He could not agree with the statement that this country required no bankruptcy laws except in unusual times, for while credit was given, these laws would always be necessary. He would much rather amend than abolish the Law. In respect to the first objection he had spoken of he suggested that the creditors should have more control. In regard to the second there was more difficulty. The duty of administering the law was thrown upon judges who looked upon the duty as merely incidental compared with other and paramount duties. The ordinary remedy for this would be to have a new system of judges, but then the cry would be what a fine place for lawyers!

He believed a Bankruptcy Court could be established having

judges who would specially apply their minds to the subject, but if this was opposed why not again give the controlling power to the creditors and let them decide who should obtain a discharge. If a debtor was honest, his creditors would be reasonable. He would follow up the different objections and suggest remedies, but he would now suggest that the subject should be referred to a Committee who should investigate the matter and decide what should be done, after which the House could decide. The Law was necessary and should not be destroyed because it was not perfect.

**Mr. OLIVER** said the Bill had been introduced in the previous Session and every one knew it would come up again now, and the member from Toronto (Mr. Harrison) as a celebrated commercial lawyer and knowing the defects of the Bill ought to have felt it his duty to submit to the House a remedy for the evils he admitted. He believed that there was scarcely one single trader who did not desire the repeal of the Laws. He agreed with the member for Stanstead (Mr. Colby), that this desire was almost universal, with the exception of assignees and lawyers who were engaged in winding up estates. The present laws only encouraged recklessness in business. Another objection was the injustice of the Bill in that it only applied to traders. Why should it not apply to others also? A man might go into business and fail, without any very ruinous consequences, but supposing a farmer should have endorsed his paper to the full amount of his stock, he would lose everything he had. Therefore, if there was a bill at all it ought to apply to all classes of the community. Again it was a great injury in inducing young men to enter into business, knowing they had everything to win and nothing to lose. In the interest of the manufacturing community the Laws should be repealed, and he had great pleasure in seconding the motion for the second reading.

The debate was adjourned, and it being six o'clock and St. George's Day, the House also adjourned.





April 24, 1872

## HOUSE OF COMMONS

Wednesday, April 24, 1872

The **SPEAKER** took the chair at 3 o'clock.

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*Prayers*

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After Routine,

### ONTARIO & HURON SHIP CANAL

A petition from the city of Toronto was read, praying for the construction of the Ontario & Huron Ship Canal.

The **SPEAKER** decided that, as the petition asked for a grant of money, it could not be received.

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### SUPPLEMENTAL ESTIMATES

A message was received from His Excellency the Governor General, submitting Supplemental Estimates up to the 30th June, 1873.

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### RECEIPTS AND EXPENDITURES

Hon. Sir **FRANCIS HINCKS** submitted a statement of Receipts and Expenditures from the end of March, 1871, to the end of March, 1872.

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### BILLS INTRODUCED

By **Mr. BEATY**, a Bill to incorporate the Bank of Canada.

By **Mr. STEPHENSON**, a Bill to amend the Act respecting rivers and streams in Upper Canada.

By **Mr. CURRIER**, a Bill to incorporate the Quebec Pacific Railway Company.

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### MR. LYNCH'S PETITION

Hon. **Mr. McDOUGALL (Lanark North)** moved that the

petition of Mr. James S. Lynch (Manitoba) received yesterday, be referred to the Committee on privileges and elections. —Carried.

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### PROPOSED FOG-WHISTLE

**Mr. BOLTON** asked whether it was the intention of the Government to provide for the erection of a steam fog-whistle during the present summer on Machias Seal Island.

Hon. **Mr. TUPPER** replied that it was not the intention of the Government to do so during the present year.

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### SHIPPING DISASTER

**Mr. PELLETIER** asked whether it was the intention of the Government to take steps to prevent the recurrence of the disasters to shipping which have happened in the river St. Lawrence on the sailing of the fall fleet from the ports of Quebec and Montreal.

Hon. **Mr. TUPPER** said that the Government had done everything they could in that matter, and he was not aware they could do anything more.

**Mr. PELLETIER** then asked whether it was the intention of the Government to grant a reward to the inhabitants of the south shore of the St. Lawrence, who at the peril of their lives, saved crews of vessels which had been abandoned in the ice during the course of last autumn.

Hon. **Mr. TUPPER** said the subject was now under the consideration of the Government.

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### ABOLITION OF EXPORT DUTY

Hon. **Mr. SMITH (Westmorland)** asked whether the Government had had any correspondence with the Local Government of New Brunswick in relation to the export duty, the abolition of which is contemplated by the Treaty of Washington.

Hon. Sir **JOHN A. MACDONALD** said there was no correspondence.

**VALUABLES TRANSMITTED TO THE UNITED STATES**

**Mr. DELORME (Saint-Hyacinthe)** asked whether it was the intention of the Government to propose to the Government of the United States some arrangement for the transmission by Post of all sums of money or other valuables forwarded from the United States to Canada, and vice versa.

**Hon. Sir FRANCIS HINCKS** replied in the negative. The Customs laws would render it quite impracticable.

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**RECIPROCITY WITH THE UNITED STATES**

**Mr. DELORME (Saint-Hyacinthe)** then enquired whether it was the intention of the Government to take new measures for the purpose of placing on a more satisfactory footing the commercial relations existing between the United States and Canada.

**Hon. Sir FRANCIS HINCKS** replied in the negative.

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**REMUNERATION OF REVENUE INSPECTORS**

**Mr. STEPHENSON** asked whether it was the intention of the Government during the present Session to make any alteration in the existing mode of remunerating Inspectors and other officers of the Inland Revenue Service, by paying them only a fixed salary, and compelling them to fund all the receipts arising from seizures made by them.

**Hon. Mr. MORRIS** stated the Government had decided that, as the Inspectors of Inland Revenue were a class by themselves, and were called upon to perform quasi judicial functions, they should not, after the current fiscal year, be entitled to the proceeds of seizure. With regard to subordinate officers, they would still participate in the value of seizures, and would be allowed to do so as an incentive to the energetic performance of their duties. At the present time the seizures were paid into the Receiver General's Department, and distributed under an order in Council, and not by officers themselves.

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**THE PACIFIC RAILWAY**

**Mr. De COSMOS** asked whether it was the intention of the Government to cause the country between Johnstone Strait and Chilcotin Plains to be thoroughly explored this year, with the object of deciding a practicable route by which the proposed Canadian Pacific Railway might be extended to Victoria.

**Hon. Mr. LANGEVIN** answered in the affirmative

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**INCREASED POWERS TO MUNICIPALITIES**

**Mr. CURRIER** asked whether it was the intention of the Government to bring down during the present session a measure empowering municipalities to prevent or regulate booths, either floating or on the ice, for the purpose of selling intoxicating liquors without a license, the depositing of fish, etc., upon the ice, of rivers bordering on or passing through them.

**Hon. Sir JOHN A. MACDONALD** replied in the negative.

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**FORTIFICATION OF BRITISH COLUMBIA**

**Mr. De COSMOS** asked whether it was the intention of the Government to construct fortifications to command the approaches to Victoria, British Columbia.

**Hon. Sir GEORGE-É. CARTIER** replied in the negative and added that for obvious reasons the question had not yet been considered by Government and there had been no appropriation for that purpose.

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**THE TREATY OF WASHINGTON CORRESPONDENCE**

**Hon. Mr. MACKENZIE** asked if the Premier was prepared to bring down the papers moved for in reference to the Washington Treaty but which had not yet been brought down.

**Hon. Sir JOHN A. MACDONALD:** No, I am not.

**Hon. Mr. MACKENZIE:** Are they in course of preparation?

**Hon. Sir JOHN A. MACDONALD:** Some of them.

**Hon. Mr. MACKENZIE:** Some of these papers were promised yesterday.

**Hon. Sir JOHN A. MACDONALD:** What papers?

**Hon. Mr. MACKENZIE:** I moved for some myself, but they are not brought down yet. The Government proposes, after the discussion on the Budget speech, to proceed with the discussion on the Treaty; we are not in a position to discuss it intelligently unless we have the papers.

**Hon. Sir JOHN A. MACDONALD:** All the papers will be brought down that were moved for, as soon as they are ready.



April 24, 1872

The matter then dropped.

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### PROTECTION OF AGRICULTURAL INTEREST

**Mr. JONES (Leeds North and Grenville North)** in moving for a select committee said that he did so in the interests of agriculture in the Dominion which should receive protection as well as the manufacturing interest. In Ontario and Quebec there were in 1861, 25,225 persons engaged in manufactures against 2,139,882 engaged in agricultural pursuits, or interested therein, and he believed it to be in the interests of this class that a protective tariff should be adopted on agricultural products coming from the United States. He was surprised that the hon. member for Waterloo South (Mr. Young) did not agree with him in this. The remarks of that gentleman that products from the United States only came into this country to be transported to the European markets were contrary to the facts. Goods passing through the country en route to Europe paid no duty and he would quote from the Returns to show the extent of goods imported from the United States into Canada on which duty had been collected:—

In Ontario we had received from the United States between the 30th June, 1870, and the 1st April, 1871, when the duties were repealed:

Salt and fresh meat to the extent of 3,492,981 lbs., amounting to \$370,045.

Wheat, 526,480 bushels amounting to \$532,036.

Grain of all other kinds, 1,013,900 bushels, amounting to \$592,710.

In Quebec: Wheat, 139,478 bushels, amounting to \$137,577. Grain of all other kinds 90,196 bushels, amounting to \$6,716. Flour, of Wheat and Rye, 43,980 barrels, amounting to \$208,413.

In Nova Scotia: Wheat, 92,257 bushels.

New Brunswick: Flour of Wheat and Rye, 81,092 barrels, amounting to \$490,091.

On all these articles the total amount of duty collected in all the Provinces was \$149,021, but if we had had the same duties on products entering this country as are imposed by the United States on our agricultural products we should have collected \$745,105. He thought that our farmers should have protection as they bore a large share of the local taxation and contributed greatly towards the construction of our public works. He did not understand why we should pay duty on goods from Great Britain, which we could not manufacture ourselves, and at the same time admit free of duty goods and products of the United States, nearly all of which we manufactured or raised in the country.

Some of the advocates of Free Trade said the United States would eventually grant us Reciprocity, and in the meantime we should not assume a hostile position in matters of the tariff. He did not agree with them and quoted from the correspondence relating to the Washington Treaty in support of his views. He contended that free trade had proved a failure in England. At the moment there was free access to the British market; other nations had imposed a higher tariff than before, yet in face of this, statesmen in England had stated that the United States would see the advantage of admitting Canadian products and establishing principles of free trade.

The American members of the High Commission had come to the conclusion that the free admission of the products of the country was of greater advantage to us than our fisheries and the navigation of the St. Lawrence were to them. He was not surprised that they had come to that conclusion. The last Trade Returns of the United States that he had consulted—those for 1869—he had found that we had sent to the American market products of Canada to the extent of \$30,000,000 on \$25,000,000, of which duty equal to 20 per cent had been paid, and it was not to be wondered at that they should decline to admit our products free. He quoted from the New York Tribune which stated that the reason our people emigrated to the United States was, that they could make more by farming there than they could in Canada, owing to their protective duties, and said that it was not surprising that our young men went there in such numbers.

He contended that if we had protection it should not be confined to the manufacturing interests, it should be general (*Hear, hear*); let all be protected, but not one at the expense of the other. The people he represented held this view, and he had no doubt that at the next election they would consider it a vital question. He hoped that the House would see the importance of affording some protection to the farming interest, which was composed of a very peaceable and industrious class of the community, and that the question would not be viewed from a local and selfish point of view, but in accordance with its merits.

**Mr. De COSMOS** said he was not prepared to speak at length as he did not anticipate the question would have come up today. He might say, however, that the feeling of British Columbia was a unit in favour of the protection of the agricultural industry. The House and Government might think that because British Columbia had accepted the Canadian tariff she was not in favor of protection on agricultural interests, but she merely accepted that tariff because she did not think Canada would modify it to such an extent as [not] to protect the farming interests and he made this explanation in order to show the Government and the House how desirable it was to let the matter go to a committee, so that there might be full enquiry as to whether the farming products should not be protected. The farmers of British Columbia were comparatively poor and the country rugged and they could not compete with California without protection.

**Mr. STREET** said the House had already granted a Committee to enquire into the best mode of encouraging the manufacturing interests, and he did not think the agricultural interests should be looked upon as in any way inferior. When the Committee had reported, however, the House could discuss the matter much more intelligently than they could at present. He did not think that the view taken by some that the agricultural interests of the country required no protection was correct, but they would discuss the matter much better after receiving the report of the Committee already established. It would then be for the House to decide what should be done, and the Government could then state what proposition they deemed it advisable to submit. He hoped the Committee would be constituted.

**Mr. O'CONNOR** would rather have spoken after receiving the report of the Committee, but could not allow the occasion to pass after the remarks of the mover. The County of Essex felt more sensibly than any other part of the country the want of protection and the agricultural societies were unanimously in favour of such protection.

**Mr. MILLS** said the matter had been taken up two years ago by the Government for the purpose of establishing a well defined national policy, and they then believed that a protective policy would coerce the United States into granting more liberal commercial terms. That policy had been reversed by the House, and the matter had now fallen into the hands of the members for Hamilton (Mr. Magill) and Leeds North and Grenville North (Mr. Jones). If those gentlemen were in favour of protection they ought to oppose all extension of public works, they ought to oppose the construction of the Pacific Railway and the enlargement of canals, because all those works tended to facilitate the intercourse between different countries. So long as Canada produced more than she required for her own consumption, the price would be regulated by foreign markets in spite of protection.

**Mr. BODWELL** did not propose to enter at length into the question of tariffs, but he could not allow the statements of the hon. member for Leeds North and Grenville North (Mr. Jones) to go unchallenged. It had been urged by the gentleman from British Columbia (Mr. De Cosmos) that the farmers of British Columbia desired a protective tariff upon agricultural products, but gentlemen must bear in mind that we had to look at the interests of the country at large. It would not do to press the interests of one section to the prejudice of other sections of the whole Dominion.

He would bear in mind that, while British Columbia and Ontario had a surplus of the products of the farm, their sister provinces, Nova Scotia and New Brunswick, had to buy their bread; and even if it could be shown (which it could not) that Ontario and British Columbia would be benefitted by a high tariff upon agricultural products, a great injustice would be inflicted upon Nova Scotia and New Brunswick.

The member for Leeds (Mr. Jones) had produced statistics to controvert the arguments of his friend from Waterloo South (Mr. Young), but he must see that while we, in common with the United States, exported a large surplus of grain to Europe, our markets

must be controlled by those markets; and while he quoted our importation of wheat at a value of \$671,760, he forgot to mention that we for the same period exported \$1,981,917, showing a balance of exportation over importation in the article of wheat alone of \$1,310,157.

The facts were that while we imported a quantity of inferior wheat from the Western States for milling purposes, it only had the effect of displacing that much of our own superior wheat, which we exported at a large profit, thus affording a cheaper living to the poorer classes, supplying them with a cheaper, though a wholesome, bread. Again, if he (Mr. Jones) would refer to the trade and navigation returns laid before the House the other day, he would see that we exported of agricultural products, and animals and their products, a value of \$22,436,071, being nearly four times as much as we imported of the same articles. The quotation of these articles alone was sufficient to show the futility of the hon. gentleman's arguments.

This whole agitation had originated with a few manufacturers who desired to obtain wealth at the expense of the many, and their specious arguments had succeeded in obtaining signatures to their petitions amongst the farming community, to a considerable extent, he admitted: the whole object being to fasten upon the country a system of tariffs at once prejudicial to the best interests of the country, and oppressive to the very class which had signed the petition, for it (the agricultural class) at the present moment was as prosperous as ever it had been, and no complaints had come up from it, and the farmers neither asked for nor required protection. Even if the scheme advocated could afford such protection, which he (Mr. Bodwell) denied, all they asked was a fair field and no favour.

The gentlemen who were moving in this matter boasted that they represented farming communities. Well, he would not say, as the member for Essex (Mr. O'Connor) had, that he represented the finest agricultural county in the Dominion, but he had the honour to represent a constituency which Mr. Brown when in England had declared to be the "garden of Canada," and he (Mr. Bodwell) thought he could speak with some authority upon the subject; and he felt certain, from experience of the general policy of free trade to which he adhered, but which he would not now discuss, there was nothing to be gained to the farmer by the imposition of duties upon agriculture.

**Hon. Sir FRANCIS HINCKS** called the attention of the mover to the fact that his motion was very different from what it had been when moved on a previous occasion. As to the appointment of the Committee for inquiry there could be no objection, but he objected to that part of the motion empowering the Committee to recommend any action in the matter.

**Mr. JONES (Leeds North and Grenville North)** agreed to have that part of his motion objected to struck out, leaving it a simple motion for the appointment of a committee of inquiry.

**Mr. FERGUSON** thought that the Committee would be of no possible use unless it could make recommendations. A deputation



April 24, 1872

had waited on the Minister of Finance two years ago on the same matter, and he had then accepted their recommendation and provided the protection now sought, and he charged the member for Hamilton (Mr. Magill) and others who had been connected with the deputation with having entirely changed their minds in the interval. The more protection was given to the manufacturers the more the farmers suffered, and if this was to continue—why, the sooner the farmers left the country the better for them.

He thought the alteration made on the suggestion of the Finance Minister destroyed the whole utility of the motion, and he would much rather that the whole matter should drop and that a direct motion should be introduced on which there could be a direct vote so that the country might see the action of her representatives. At present America could at any time send into Canada a quantity of grain sufficient to almost ruin Canadian farmers. He hoped the member for Leeds North and Grenville North (Mr. Jones) would withdraw his motion altogether.

**Mr. JONES (Leeds North and Grenville North)** then requested to be allowed to withdraw his motion.

**Mr. STEPHENSON** hoped the motion would not be withdrawn. He thought it as necessary to protect the farmers' interests as those of manufacturers, and the two should go hand in hand.

**Hon. Sir JOHN A. MACDONALD** explained that the hon. member for Hamilton (Mr. Magill) had moved for a Committee to enquire into the extent and condition of the manufacturing interests of the Dominion, and the hon. member for Leeds North and Grenville North (Mr. Jones) had moved in amendment that after the word "manufacturing" the words "and agriculture" be added. That amendment having been withdrawn his hon. friend now moved that a Special Committee should be appointed to inquire into the agricultural interests separately. The Minister of Finance (Hon. Sir Francis Hincks) had called attention to the last part of the motion of the hon. member for Leeds North and Grenville North in order to point out the difference between the two motions and guard against authority being given to any Committee to put on a tariff which could only be done by Government. The Committee now moved for would have precisely the same scope as that to inquire into the manufacturing interests.

**Mr. FERGUSON** asked if the Committee could recommend the best remedy for protecting the farmers.

**Hon. Sir JOHN A. MACDONALD** replied that they could do anything short of reporting in favor of specific duties.

**Mr. FERGUSON** asked if they could report that duty would be the best mode of redress.

**Hon. Sir JOHN A. MACDONALD** would not tell the Committee what they should he would not hesitate to make any suggestions that might occur to him.

**Mr. JONES (Leeds North and Grenville North)** after the explanation of the Hon. Minister of Justice, asked that his motion might be allowed to stand. Motion carried.

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### DEMANDS AGAINST VESSELS

**Mr. KIRKPATRICK** then moved the House into Committee of the Whole to consider a resolution declaring it expedient to make further provision for the collection of demands against vessels navigating certain lakes and inland waters of Canada.

**Hon. Mr. HOLTON** had no objection to his hon. friend taking this preliminary step to introduce his Bill from its title: he (Hon. Mr. Holton) knew it to be an old friend of his of years ago, but he was willing to let his hon. friend show whether he had made any amendments, and therefore he should make no objection to the stage made today.

After considerable discussion as to whether the resolutions should be considered in Committee of the Whole,

**Hon. Sir JOHN A. MACDONALD** said he thought the proper time for the resolution to be discussed was in Committee of the Whole, in order that the House might go more fully into the matter than with the restraint of the Speaker in the chair.

**Hon. Mr. CAMERON (Peel)** doubted whether the matter was one for Legislation by the Dominion or the Provinces, and mentioned such doubt in order that he might not be precluded hereafter from taking up the question as a matter which should go before each separate Legislature.

**Hon. Sir JOHN A. MACDONALD:** As a matter of course, the hon. gentleman had to make out a statement in committee for leave to bring in a bill.

The House then went into committee, **Mr. SCATCHERD** in the chair.

**Mr. KIRKPATRICK** introduced his resolution, seconded by **Mr. STREET:** "That it is expedient to make further provision for the collection of demands against vessels navigating certain lakes and inland waters of Canada, for seamen's wages and debts contracted for necessary provisions supplied, repairs made, and services rendered to such vessels by making the same a preferential lien on them."

He believed that in the Province of Quebec there is recourse against a vessel itself for demands. We have no Admiralty Court, but the marine trade on our inland lakes should be fostered and protected. The hon. member for Châteauguay (Hon. Mr. Holton) had said it was no new piece of legislation, that there had been bill after bill brought into the Canadian Parliament. He (Mr. Kirkpatrick) agreed with the hon. gentleman, but would call to his attention that in 1864 a Bill passed the second reading, was referred to a Select Committee, reported with several amendments, and on



the third reading, at the earnest solicitation of the Government of the day, thrown out, because it was at such a late period of the Session, and the Bill was lost on the third reading by only two votes.

A large number of petitions had been addressed to the House in favour of the principle involved in his resolution. He was daily and hourly brought into contact with ship masters and others interested, and he spoke with some knowledge of the trade. His proposition was in favor of ship owners and shipbuilders, ship chandlers and seamen. At present they were liable to foreign ship masters bringing in their vessels for repairs and supplies, leaving in a great hurry, and perhaps never again more than touching at their port, or if the vessel should be an English one, it was frequently mortgaged to its full value; and so the Canadian ship builders and ship chandlers lose whatever may be due them.

He thought the Bill, when considered and amended, as it probably would be, would give equal security to ship owners and seamen. He quoted from the British North America Act to show that the subject of the resolution was for Dominion legislation, and not Provincial.

**Hon. Mr. IRVINE** sympathized with his hon. friend on the principle of the Bill he wished to introduce, but he thought the constitutional question suggested by the member for Peel (Hon. Mr. Cameron) was an important subject, and if the Minister of Justice (Hon. Sir John A. Macdonald) was not prepared to give an opinion at once the matter should be postponed.

**Hon. Mr. SMITH (Westmorland)** thought the question deserved great consideration, and would ask the hon. mover (Mr. Kirkpatrick) if there were any means by which seamen could enforce their wages against a ship. By the English law a seaman has a lien on a ship, but he can only enforce that lien through the Court of Vice Admiralty, and there is a similar lien for repairs provided the owner does not reside in England.

**Mr. HARRISON** said there were two questions involved. One of policy and one of power, and if there were doubts as to their power of legislating on the subject there was no object in doing so. He moved the adjournment of the debate.

**Hon. Mr. CAMERON (Peel)** moved that the Committee should be allowed to rise and report progress, and ask leave to sit again. —Carried.

## AFTER RECESS

The **SPEAKER** took the chair at 7.50 p.m.

**Mr. WORKMAN** moved to introduce a Bill to incorporate the

Exchange Bank of Canada. The Bill was referred to the Committee on Banking and Commerce.

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## LARCENY OF STAMPS

On the motion for the third Reading of An Act for the avoidance of doubts respecting Larceny of Stamps,

**Mr. JONES (Halifax)** urged that the Government should abolish the Stamp Act. His own opinion was that it should be abolished and he at the same time expressed the opinion of the mercantile community of Halifax. Such a tax had only been resorted to by countries under the necessity of raising a large revenue, and he hoped the Government would accede to the well understood wish of the country in the matter and abolish the duty.

**Hon. Mr. MORRIS** explained that the remarks of the member for Halifax (Mr. Jones) had no relation to the Bill before the House. The object was to meet a difficulty which had occurred and had already been explained to the House.

The Bill was then read a third time.

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## INSOLVENCY LAWS

The adjourned debate on the second reading of Mr. Colby's Bill, for the repeal of the Insolvency Laws was resumed:

**Hon. Mr. CAMERON (Peel)** thought the Bill should be referred to the Committee on Banking and Commerce before the House was committed to its principle. When the present Law had been devised it had received the greatest possible consideration, and the Government and the House had used every effort to make the Bill as nearly perfect as possible. The law had now been in operation for some time, and certain difficulties had arisen, but if proper amendments were made, the country would not desire its abolition. It ought to be considered what the position would be if the whole law were repealed without anything being substituted. He thought the Government ought to express their views on a matter of such great importance.

He moved that the bill be not now read a second time but that it be referred to the Committee on Banking and Commerce, in order that they might report thereon. If after the matter had been considered by the Committee it should be found that the interests of the country required its repeal, it could then be done. There were, no doubt, many objections, one of which was the system of voluntary assignments, and then again there ought to be a greater length of time between the claiming and granting of certificates, and, there should be an absolute refusal in any case where the expenditure had been reckless. So long as a system of credit existed

April 24, 1872

there must be insolvent laws and any one who desired to repeal those laws entirely ought to be prepared to repeal credit also. The experience of old countries should be taken into account, and a measure framed which would avoid the objections and yet meet the necessities of the matter.

On **Hon. Mr. HOLTON** suggesting that the motion was scarcely in order, it was altered as follows: "That the Bill be not now read a second time, but that the Committee on Banking and Commerce be instructed to inquire into the subject of the Insolvency Law and report thereon to the House by Bill or otherwise."

**Hon. Mr. BLAKE** thought the proposition would simply defeat the Bill by preventing it from coming before the House again this Session; but perhaps that was the object of the hon. gentleman. He believed that the Insolvency Law was a good thing, and he was prepared to sustain that opinion. If government determined not to repeal the law he should support them. The matter had now been before the House two sessions, and the member for Stanstead (Mr. Colby) had procured a very large vote in favor of his views, and had stated his intention of pressing the matter this Session, and the question now was not whether there should be amendments, but whether there should be an Insolvency Law or not—and it would be better to get the sense of the House on that question.

Some gentlemen seemed to think that there should be an insolvency law from time to time, as particular crises arose. He could conceive nothing more unfortunate than such a state of things, nothing more unfortunate than that the laws regulating the relation of debtor and creditor should not be permanent. There should rather be a permanent law on such a footing that it should do justice in times of crises and not injustice in ordinary seasons. Although the machinery of the present law might be clumsy, it had the merit of putting the estate very considerably into the hands of the creditors, and the real difficulty was that the creditors having the estate in their hands did not take proper care in the management.

He would call the attention of the House to the difficulties which would result from the entire repeal of the laws. If he rightly understood the law in Quebec there was a quasi-Insolvent law under which goods sold under executions ensured to the benefit of all the creditors. This gave to the people of Quebec a great many of the benefits without the evils of an Insolvent law.

This however was not the case in Ontario, nor he believed was it the case in Nova Scotia or New Brunswick. There the law was of that unjust character that the first execution creditor swept away the whole property. This was a most unjust and calamitous principle, and yet it would be the law if the present Act were repealed. With reference to the power given to creditors by the Insolvent law, of handing over the assets to an assignee, and to the consequences of that, the discharge of the debtor it had always seemed to him, that the discharge of an honest debtor was a wholesome provision which might be defended upon general principles. He believed the interest of both debtor and creditor would be best served by a careful wording and working of the law, but the former was of no use without the latter; but while the creditors had ample control of the

whole matter, they had themselves to blame if the results of the administration of the estate were not satisfactory.

He believed it would be most unfortunate that the law should be repealed and re-enacted in times of crises, and he only opposed the reference of the matter to a Committee, because he thought the House ought to come to a direct decision.

**Hon. Mr. IRVINE** thought it was much to be regretted that a matter of such great importance should be discussed in so thin a House, and especially in the absence of the first law officer of the Crown, and also that the views of the Government should be expressed in the matter. He thought they were entitled to know what course the Government was prepared to take, if the majority of the House decided to repeal the laws.

He had no hesitation in saying he was entirely opposed to the repeal, and if he supported the motion of the hon. member for Peel (Hon. Mr. Cameron), it was not because he differed from the views of the hon. member for Durham West (Hon. Mr. Blake), but because he felt that there was in the minds of a great number of the members of the House very considerable dissatisfaction with the working of the law. Because there were objections in detail, however, he did not think there should be an entire abrogation of the system, nevertheless, it was most desirable that the first opportunity should be taken to remove those objections.

He believed an insolvent law to be absolutely necessary. They had heard of the necessity for it in Ontario, and to him it was almost inconceivable how such a law as that allowing the first execution creditor to absorb the whole estate could have remained unrepealed so long. In the interest of the creditor it was absolutely necessary that there should be an insolvency system, and though in Quebec there was no preferential right in the first creditor, they had no means of collecting debts due to an insolvent, and devoting them to the benefit of creditors without an assignment.

Another great reason why the law should be continued was that without it, it would be impossible to punish the frauds which were constantly practiced. It might be remembered that when the measure was first brought up, many urged upon the House the passing of more stringent measures for punishing fraudulent debtors, but without success, and he believed the want of those measures had been the cause of very much of the discontent respecting the Act. He held also that where a debtor had been unfortunate, but where there had been no frauds, he was entitled to be discharged. It might be said that where the debtor was honest, the creditors would never refuse his discharge, but he could not agree with that view, for there might be dishonest creditors and those who had had to deal with these matters knew well that it was common for creditors to try to obtain advantages over each other. He held there ought to be some independent tribunal which should have the right to discharge the honest debtor.

From what had been said he thought it must be plain to all that a repeal of the law without any provision for winding up estates already insolvent would be almost impossible, and he believed that



in a country such as this where credit existed to so great an extent, and where cases of insolvency were so frequent, some measure was absolutely necessary.

**Mr. WORKMAN** agreed with the hon. gentleman who had just sat down that on such an important matter the Government ought to have indicated their policy. It is a question which affects so greatly the interests of the whole mercantile community that it ought to receive from them a decided expression of opinion.

**Hon. Sir FRANCIS HINCKS:** We have not had a chance.

**Mr. WORKMAN** had a good deal of experience in the working of the law. Since the amendments of 1869 the Act had been better understood. When a failure took place an assignment was made, and the creditors met and took charge of the estate, and the matter was managed with a great deal more economy and dispatch than under any other system. The Boards of Trade of the Dominion and of Montreal had petitioned against the repeal of the law, and their views ought to receive consideration, as they represent the views of the mercantile community.

We were told that bad debts were much more prevalent than before the Act was passed. That had not been his experience, and he might safely say that the percentage of bad debts was not more than one-half of what it was before the law came into force. The amount recovered, also, was greater by from 25 to 50 per cent than formerly. Then an insolvent was independent of his creditors and could make any settlement he pleased and fraud was the result. This could not occur now as the creditors had the power of taking possession of the estate themselves, and sifting it thoroughly.

We were told by the mover of the present Bill that the law tends to promote immorality. He believed that there was less demoralization of commercial credit than there was before the law came into force. He knew there were some instances where men attempted to defraud their creditors but we had every means of detecting and punishing them. There were defects in the Bill which the Committee might remedy. There was no satisfactory power to the Judge for the punishment of really dishonest debtors. He had never found that where an honest statement was made the greatest consideration and kindness had not been shown and a discharge given. Therefore, debtors had nothing to fear from any increased severity in the law.

It had been alleged that the expenses under the Act were so great that they swallowed up the estate. This had not been his experience. The law costs were not, in his opinion, one-tenth as great as before. He had merely stated his experience as a merchant and so hoped that the law would be continued on the statute book.

**Mr. SCATCHERD** said the member for Montreal Centre (Mr. Workman) had spoken under the authority of the Board of Trade of Montreal, and he (Mr. Scatcherd) agreed that that gentleman could from their standpoint, and from his standpoint as a merchant, speak in favor of the law. They could look with indifference at the loss they had caused in the rural districts by selling off the goods of an insolvent at so cheap a rate that the buyers could still undersell

honest and solvent dealers, thus causing their stock to be left on their hands to the injury of trade.

He contended that the Insolvency Law had been in force long enough. He believed that it opened the way to fraud and that it was a matter of calculation with a man whether he should not take the benefit of the Act rather than pay his debt, and he had never known a man to be punished for fraudulent practices under the Law. He thought it would tend to check such frauds if his debts were allowed to hang over him, and a discharge refused. He hoped the law would be repealed.

**Mr. FERGUSON** was not surprised at the view taken by the member for Montreal Centre (Mr. Workman). The Law no doubt suited merchants and manufacturers, as they have the advantage over all other creditors, as they took good care to get the best security for their goods. If this Bill should be continued he thought a clause ought to be inserted, providing that in the investigation of an estate the whole of the securities should be taken into account, and all creditors equally dealt with. He believed that there was a great deal of fraud owing to the existence of this law, and the honest dealers in the country suffered in consequence. He had stated when the Bill came before the Legislature in 1861 that it was for the purpose of allowing men to avoid the payment of their honest debts.

He did not believe that any amendments would prove of service—the only remedy was to dispose of it at once and for ever. It robbed the public and disgraced those who had anything to do with it, and he hoped it would be struck off the statute book. He had confidence in the skill of the Ministers of Justice and Finance, and was quite sure that if the House declared the law a nuisance and an enemy to the country at large, they would before the session terminated, be prepared to bring down a Bill acceptable to all.

**Hon. Mr. MORRIS** did not rise to protract the debate, though he thought the course suggested by the member for Peel (Hon. Mr. Cameron) the correct one. When the bill was passed the best commercial and legal talent in the House was engaged in its preparation, and it would therefore be extremely impolitic in the present state of the House, when so many members were absent, to ask the House to pronounce an opinion upon so grave and important a question. One reason for the absence of so many members arose from the fact that a great orator (Mr. Punshon) was lecturing in the city, and it was not to be wondered at that they had been tempted away from their seats. He would suggest that the debate should be postponed and that it should be made a special order of the day for some day next week. The House would then be full and the subject would receive the consideration which its importance demands.

**Mr. COLBY** suggested that it should be made a special order for an earlier day, if possible, tomorrow. (*Cries of "no, no, go on"*.)

**Mr. RYAN (Montreal West)** said that when the matter was before the House last year he had voted in favor of the repeal of the law but he had since changed his opinion. He did not find that any petitions had been presented asking for the repeal, but on the contrary the Board of Trade of Montreal and the Dominion were in



April 24, 1872

favor of its continuance with amendments and had forwarded petitions to that effect.

The member for Stanstead (Mr. Colby) had alluded to the petition of the Montreal Board of Trade and had tried to make the House believe that that Board did not represent the opinions of the commercial community of the city. He differed from him entirely. In Toronto also the Board of Trade had called a special meeting to discuss the question, and there was but one opinion, that they did not consider it desirable that the law should be repealed although amendments were necessary. In view of these facts he felt justified in changing his vote on the question and out of deference to those Boards he had much pleasure in supporting the motion of the hon. member for Peel.

**Mr. CAMERON (Huron South)** regretted that the Government had not pronounced their opinion on the question. He had listened to the arguments of the three legal gentlemen who had spoken, and though they all admitted that amendments were necessary, they differed in their views as to what those amendments should be, and this only confirmed his belief that the only course was an entire repeal of the Law.

The Act of 1864 might have served a good purpose but he contended that no Insolvency Law should have a permanent place on the Statute Book, as it was only intended to meet exceptional cases when men through no fault of their own became insolvent, and in cases of that kind it might be judicious to provide some measure of relief. He believed the circumstances that had made necessary the Law of 1864 had ceased to exist. He thought at the time of the passing of the Act of 1869 that it would have worked well, and that the provision for the punishment of fraudulent debtors would have given general satisfaction, but after 4 years' experience he considered it a total failure. The machinery was complicated, troublesome and expensive, and the creditors instead of deriving the benefit, found the estate absorbed between Sheriffs,

Assignees, Inspectors, and other officials, called into existence by the law. The objection of the Solicitor General of Quebec, that there was no sufficient tribunal for the trial of insolvent cases was well founded, and it was one of the practical difficulties met with in Western Canada.

Viewing the matter from every standpoint and looking at its working in the country, he was prepared to announce that the Bill was exceedingly derogatory to the commercial morality of the country. It was a scandal to the statute book, and he should vote for its repeal. If circumstances should arise and difficulties present themselves requiring a re-enactment of the law, the Legislature was always in existence to deal with the question. They heard on all sides that the country was prosperous, and such being the case, there was no present necessity for the law.

He should vote against the motion of the hon. member for Peel (Hon. Mr. Cameron), and would like a fair vote of the House on the question. If the House did not declare against the continuance of the law, he did not believe that many members who should vote in favour of that continuance would return after the elections.

**Mr. ROSS (Dundas)** said the effect of the insolvency Law had been to demoralize an important class of the community—the retail dealer. He thought it had been the means of inducing many men who had good intentions to do business honestly, to involve themselves, and then take advantage of the Law. If any measure should be introduced to meet the circumstances he would support it, but should not support his hon. friend from Stanstead (Mr. Colby).

**Hon. Mr. SMITH (Westmorland)** hoped a division would not be taken tonight, as many members were out of their seats. He therefore moved, seconded by **Mr. YOUNG**, that the debate be adjourned.—Carried.

The House adjourned at 10 o'clock.



April 25, 1872

## HOUSE OF COMMONS

Thursday, April 25, 1872

The **SPEAKER** took the chair at 3 p.m.

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*Prayers*

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### ROUTINE BUSINESS

A number of petitions were presented and read.

The Committee on Privileges and Elections Report relative to the Marquette (Manitoba) election was read. It was the opinion of the Committee that, there being an equal number of votes, both Mr. Angus C. McKay and Mr. James S. Lynch should have been returned as elected. The Committee had adjourned until the morrow.

**Hon. Sir JOHN A. MACDONALD** submitted further papers respecting the Fisheries question and the appointment of the Joint High Commission. He also stated that the Report on the Fisheries was of such a nature that it could not be submitted without prejudice to the public service. The Government extremely regretted that they could not bring down the papers; but in doing so there might be cause of embarrassment between the Imperial and Dominion Governments, which he (Hon. Sir John A. Macdonald) should regret.

**Hon. Mr. TUPPER** submitted the report of the Department of Marine and Fisheries.

**Hon. Mr. CAMERON (Peel)** moved that the Clerk of the Crown in Chancery be ordered to attend at the Bar of the House to make, in accordance with the suggestion of the Committee, the election return of Marquette (Manitoba) a double return.

*[Mr. Lynch momentarily took his seat and withdrew.]*

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### QUESTIONS BY MEMBERS

**Mr. RYAN (Montreal West):** Whether the Government has taken any steps to have the Imperial Copyright Act repealed; if not, whether they intend to take such action as to have the same repealed, as it bears most unjustly upon the inhabitants of the Dominion?

**Hon. Sir FRANCIS HINCKS:** The Government had strongly remonstrated against the Imperial Copyright Act, but had not taken any steps to obtain its repeal, although the most active measures, otherwise, had been taken to obtain a change. Lord Macaulay, sensible of the injustice of the act towards the colonies, had urged its repeal and there were hopes that we should ultimately succeed.

**Hon. Mr. McKEAGNEY:** Whether it be the intention of Government to make provision in the Estimates for cutting a canal through the portage which separates the waters of the East Bay, Bras d'Or Lake from those of Sydney Harbor, or to take any steps for the purpose of accomplishing said work, which taken in connection with St. Peter's Canal would be of vast importance to trade and navigation generally?

**Hon. Mr. LANGEVIN** said that the engineer appointed to examine the St. Peter's Canal would give his attention to this matter also.

**Hon. Mr. McKEAGNEY:** Whether it is the intention of Government to make provision for the construction of a Marine Hospital at the port of Sydney, Cape Breton, now so urgently required by the increasing trade and shipping in that locality?

**Hon. Mr. TUPPER:** The Government had provided in the Estimates for a Marine Hospital at Sydney, Cape Breton.

**Hon. Mr. McKEAGNEY:** Whether it be the intention of the Government to make provision in the Estimates for the construction of a Lighthouse at Gabarus Harbour, Cape Breton, now so much required for the purpose of protecting the large interest engaged in navigation and shipping along the southern coast of Cape Breton?

**Hon. Mr. TUPPER:** It is not the intention of the Government to do so.

**Mr. FOURNIER:** Whether it is the intention of the Government to complete the lot of land necessary for the construction of the Post Office now in course of erection in Quebec, by purchasing from the Hon. Henry Black, his property which adjoins the said Post Office?

**Hon. Mr. LANGEVIN:** The matter is under the consideration of the Government.

**Mr. STEPHENSON:** Whether it is the intention of the Government in view of the increased revenue of the Dominion, to introduce a measure to totally abolish or further reduce the rates of postage on newspapers printed and circulated within the Dominion of Canada?



**Hon. Sir FRANCIS HINCKS:** It is not. The Post Office expenditure is largely in excess of the revenue.

**Mr. DELORME (Saint-Hyacinthe):** Whether it is the intention of the Government to bring down a measure to facilitate the incorporation of the different Boards of Trade of the Dominion, now applying, or which may hereafter apply for an Act of Incorporation?

**Hon. Sir JOHN A. MACDONALD:** It is not. Any Board of Trade can obtain an Act of Incorporation without difficulty.

**Mr. THOMPSON (Cariboo):** Whether it is the intention of the Government to assimilate, during the present year, the postal arrangements in British Columbia to those in the other Provinces, by extending the Money Order System to that Province where Post Office Orders are now only issued on Great Britain?

**Hon. Sir FRANCIS HINCKS** said it was the intention of the Postmaster General to send a Post Office Inspector to British Columbia, and on his report action would be taken.

**Hon. Mr. HUTCHISON** in moving for a Return of all officers pensioned since the 1st of July last, complained of the manner in which the Act had been put in force in New Brunswick. An old man who had been appointed to an office in his District had received a pension of \$400 after four years' service, and a brother of the Minister of Marine and Fisheries (Hon. Senator Mitchell) had been appointed in his place.

He (Hon. Mr. Hutchison) complained of the manner in which the patronage was dispensed in that Province. Nothing could be done without the intervention of the Minister of Marine, and whenever he sought information in any of the Departments he was always met with the answer, "Go to the Minister of Marine". (*Laughter.*) As there was another motion on the paper with regard to the Superannuation Act he would allow his to drop, reserving further remarks until the other motion came up.

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#### GRENVILLE CANAL

**Mr. METCALFE** in moving for copies of tenders sent in for repairing or enlarging the Grenville Canal, remarked that it had been said that there was some irregularity in the letting of the contract. It had been usual with parties, many of whom knew little or nothing about the construction of works, to give in several Tenders under different names for the same contract, and if it turned out that there were lower tenders the parties were bought off in some way, and the contract secured. In England, where a contractor was known to be interested in several Tenders, the whole were thrown out, and he thought the same system should be adopted here. The motion was carried.

**Mr. McDOUGALL (Renfrew South)** moved for copies of Instructions, Correspondence, &c., respecting certain divisions of the Canadian Pacific Railway Survey. He stated, with reference to the Divisions in his part of the country, that there had been great mismanagement and unnecessary expense, and thought that the country should know who had been the cause of such mismanagement. In the Ottawa Valley it was well known that the laboring men, axemen, &c., who had been engaged were unfit for the service and the Commissariat had been neglected. When the men had gone about 100 miles of their journey they had been obliged to wait for nearly a month so that they might get the provisions absolutely necessary for them, and when they did arrive it was found that a large amount was useless. For instance, three barrels of flour to 100 barrels of sugar had been sent, and 30 yards of sticking plaster for forty men. (*Laughter.*)

He alluded to the dismissal of the Engineer on Division C, and thought that the result of the investigation into his case should be laid before the country. He presumed that that gentleman had no other means of supporting himself by his professional labor, and as stains might now attach to him, it was only right that the report should be before the House, in order that he might be cleared, if not guilty of neglect.

**Hon. Mr. LANGEVIN** said there was no objection to the motion. In answer to the remarks of the hon. gentleman, he would say that in those surveys, as well as in all others of such an extent, some mismanagement would occur; but taking the whole extent of the survey, everything had been done that could be done. A proper survey had been made within the time fixed by the Act. The hon. gentleman might have been wrongly informed as to the mismanagement; but, at all events, the 30 yards of sticking plaster would not amount to much. The papers would be brought down.

**Hon. Mr. MACKENZIE** desired to ask the Minister of Public Works (Hon. Mr. Langevin) whether he intended to place any general report of the progress of this survey on the table before taking any action with regard to the Pacific Railway. He thought it important that the House should have the information before going into the discussion of the subject.

**Hon. Mr. LANGEVIN** replied that it was the intention of the Government to lay the report before the House as soon as possible.

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#### GAUGES OF INTERCOLONIAL RAILWAY

**Mr. BODWELL** in moving that the House go into committee to consider a Resolution declaring it desirable to adopt the 4 feet 8 1/2 inch gauge in the construction of the Intercolonial Railway, said that he did not make the motion from any feeling of hostility to the enterprise, but in the interests of the country. He did not purpose to discuss the subject of the location of the road, or refer to the

April 25, 1872

unsurpassed folly in selecting the North Shore route, but as the road was to be built, he thought it should be completed in the most satisfactory manner possible.

It would be remembered that when the question of the gauge of the Intercolonial Railway was brought before the House on a former occasion, a large number of members were in favour of five feet six inches, in preference to four feet eight and a half inches, but he believed that after careful consideration a majority of the House would now come to the conclusion that in the interests of the country it would be better to adopt the narrow gauge. The Railways in the United States were nearly all built with a gauge of four feet eight and a half inches. The Great Western Railway, and many other Railways in Canada, had seen fit to adopt a narrow gauge, and the Government had determined, as announced last Session, to construct the Pacific Railway on that principle.

When Railways confined their rolling stock to their own roads as formerly, it did not matter so much, but now it was quite common to allow the rolling stock of one road to pass over another, in order to save the necessity of breaking bulk. He thought it desirable that our roads should be so constructed that we might take advantage of the connection which we expect to have with other Railways. If the dreams of some were ever to be realized, that not only local traffic, but the trade of China and other places of Europe, would follow our route from the Pacific to the Atlantic, it was most desirable that the Intercolonial road should be constructed, so that freight might go through without breaking bulk.

The argument would be used that the Grand Trunk Railway was built on the five feet six inch gauge, and that that would be an obstruction. But at the last meeting of the Grand Trunk Shareholders the question was brought up and the remarks of the President of that Railway went very strongly in favor of changing the gauge so as to correspond with other railways on this continent.

The only difficulty to prevent it would be the large expense. It might be said that a change on the Intercolonial Railway in the present state of the work would involve an increased expenditure, but he apprehended that the additional expense would be more than counterbalanced by the saving that would be effected in constructing the remainder of the road for a narrow gauge. Viewing the matter in this light he thought it desirable that a movement should be made now, in the infancy of the work, to build the railway on the proper gauge. He hinted that in considering this question the House would set aside every consideration except that of the best interests of the country.

**Hon. Mr. LANGEVIN** said that the hon. mover of the motion had not, in his opinion, stated any good reason why this change should take place. He considers a change of gauge necessary because the general gauge of railways on this continent is 4 ft. 8 1/2 inches. If we had to build anew our railways he (Hon. Mr. Langevin) could agree with him that we should adopt the general gauge of the continent. But the great railway of the country, the

Grand Trunk Railway, has a gauge of 5 ft. 6 in., and the hon. gentleman had not shown us that railway company is ready to change the gauge of that railway, or that they have the means of doing so. He knows that the expense involved in that change would be very great, and he knows fully, and the country knows, that the Grand Trunk are not disposed now to make the change, and have not the means at their disposal.

If Parliament were to adopt the suggestion of the hon. member, what would be the consequence? We should have the Grand Trunk, the great highway of Canada, with a gauge of 5 feet 6, and the Intercolonial 4 feet 8 1/2. What advantage would be found in a change of that kind? It would cause great delay and endless trouble and annoyance at Rivière du Loup, where passengers would have to change, and freight to be transhipped. He (Hon. Mr. Langevin) did not see any advantage in such a change. The hon. gentleman had forgotten that all the railways in the Lower Provinces running in connection with the Intercolonial had the broad gauge, and that therefore the result of the change proposed would be to compel a change of passengers and freight at Moncton, Windsor, and Truro. The Windsor and Annapolis Railway, also a connection of the Intercolonial, had the broad gauge, and the members from the Lower Provinces knew that that railway was not in a position to change its gauge. The European and North American Railway, running from Shediac to St. John, would have to be cut in two, as that portion of it between Moncton and Truro would form part of the Intercolonial.

The hon. gentleman would say that the Government would put a third rail on that portion of the road, and also from Truro to Halifax; but he must remember that such a change would cost about \$450,000, and he should reflect on this. It was expected by the 1st September next the line from Halifax to St. John would be completed—that is to say, that the Intercolonial from Truro to Amherst would be in working order. But if the motion of the hon. gentleman prevailed all the work on that portion of the line, between Truro and Amherst would have to be stopped, because we should require new cars and engines for ballasting the line, those now in use being broad gauge. Besides, it must be remembered that a large quantity of the rolling stock for the line is now being completed, and that some of it, in fact, has been delivered already. He (Hon. Mr. Langevin) was informed that the change of gauge of those railways in Nova Scotia and New Brunswick, and the rolling stock, would cost over a million of dollars.

It had not been shown that a gauge of 5 feet 3 would be better than 4 feet 8 1/2. Those who were obliged to give their attention to matters of this kind know that it was more by accident than otherwise that the gauge was fixed at 4 feet 8 1/2; and engineers say that their experience has convinced them that if a gauge had to be selected for a railway today, they would not select 5 feet 6 or 4 feet 8 1/2, but probably 5 feet 3.

Under these circumstances, and taking into consideration the following facts that all our railways in the Lower Provinces, the



Grand Trunk Railway, and the connections with the Intercolonial Railway were all on the broad gauge, that the cost of changing the gauge of our railways in the Maritime Provinces would incur an expenditure of over a million dollars, that the Intercolonial would be delayed at least a year, and that it would cost a large sum of money to the country, he did not think that it was in the interests of the Dominion to make the proposed change. The time for fixing the gauge was when the Act authorizing the construction of the railway was passed. That Act fixed the gauge at 5 feet 6, and the Government have carried out that provision. To change now would cost so much money that the House should pause before agreeing to the motion of the hon. gentleman.

**Mr. SHANLY** said he had always been in favour of the four feet eight and a half gauge. He thought that when the matter was before the House last year the Government had a good opportunity of assisting the broad gauge lines of Western Canada to change by taking their rolling stock, which was a matter of very great consequence. If, before contracts had been given for the construction of rolling stock for the Intercolonial, the Government had entered into negotiations with the Grand Trunk and other broad gauge lines, they could have enabled those lines to bring their gauge down to the narrow, which must come about at some time or other.

He did not advocate the narrow gauge for its mechanical merits, but simply because it was the gauge of the continent, and he believed the loss sustained during the last 14 years by broad gauge line was much greater in amount than would be the whole cost of changing the gauge of these lines.

But although he held this opinion he believed that to change the gauge of the Intercolonial now, after immense contracts had been entered into, would only increase the blunder. In years to come when the rolling stock should be worn out, there would be another opportunity of buying up the present rolling stock of the wide gauge lines of the West and also enable them to change to the narrow, as without such aid as this it would be impossible for the Grand Trunk and other lines to change.

**Hon. Mr. MACKENZIE** said that although the remarks of the member for Grenville South (Mr. Shanly) had the greatest weight he thought they contained one fallacy. That member seemed to contemplate that all the rolling stock would wear out on one particular day, whereas there would be constant wearing out, and consequently there would have to be constant replacement.

**Mr. SHANLY** said what he had intended was, that if last year the government had decided to have no new stock for the Intercolonial, but to purchase that of the Western broad gauge lines, those lines could have changed their gauge, but that with immense contracts for new stock in hand, he did not think it advisable that the gauge should be changed.

**Hon. Mr. MACKENZIE** said that though there might be something in that, the question now resolved itself into this. The

hon. member contemplated as an inevitable necessity of the continental system the abrogation of the broad, and the adoption of the narrow gauge, though it might be a question of time, but would it not be better to face the necessity now? The question was not a political one, but should be discussed carefully and on its merits.

Not one fourth part of the necessary rolling stock which would be necessary was yet constructed, and therefore though a large amount had been expended, would it not be better to stop further expenditure until the matter was definitely settled. As to the difficulty alluded to by the Minister of Public Works (Hon. Mr. Langevin) that a narrow gauge would necessitate a trans-shipment at Windsor, that was a matter of no weight, for there was already the same difficulty on the Grand Trunk. Everyone knew the immense advantage derived from the New York Central, the Great Western, the Michigan Central and other lines, having a uniform gauge, the result of which was that cars from Hamilton could be seen west of St. Paul.

He had understood the Minister of Public Works to intimate that the Pacific Railway would be built on the narrow gauge. That road would have to connect with roads in Ontario and Quebec, and must, to form a great trans-continental line, have some Atlantic terminus, which could not be done unless the gauge of the Intercolonial were changed. There was a project to build a road from Quebec to Ottawa, to join ultimately the Pacific, and that road would doubtless be on the narrow gauge. It was intended also to construct a bridge over the St. Lawrence at Quebec, and with this accomplished there would only be some 140 miles of the Grand Trunk before the Intercolonial was reached at Rivière du Loup, and with this distance changed to the narrow gauge they would have, if the resolution were carried out, a continuous narrow gauge line from east to west.

As to changing the Government roads in the Maritime Provinces he thought the sum of \$1,000,000 named by the Minister of Public Works as necessary for that purpose must be a great exaggeration. The only difficulty in the matter seemed to be the interposition of the Grand Trunk, and the fact of that line not being in a financial position to change its gauge. He believed overtures had been made to the Government to assist them to effect that change, but in the present state of the indebtedness of that line to the country, the country would scarcely be disposed to lend the money required for a change of gauge. He thought it questionable whether it was not, after all, the wisest course to adopt that measure at once which the member for Grenville South (Mr. Shanly), the highest authority in the House, considered an inevitable necessity at an early day.

**Mr. SHANLY** had not heard what the Minister of Public Works had said of the cost of changing the gauge of the lines in the Lower Provinces but thought \$1,000,000 might very easily be used in such a work.

**Mr. WORKMAN** said it might be considered presumption in him to speak after the member for Grenville South (Mr. Shanly), but he had given great consideration to the matter. He was decidedly in favor of the narrow gauge principle. He mentioned the



April 25, 1872

Great Western, the Ohio and Mississippi, and the Erie Railways, as instances of the great good resulting from the broad gauge having been changed. It was almost universally admitted that the narrow gauge would have to be ultimately adopted, and therefore the sooner it was done the better.

He had listened with great attention to the Minister of Public Works (Hon. Mr. Langevin), who had made out a very good case and had almost convinced him, but still he thought it would be best to meet the matter at once. He had heard that what rolling stock had been constructed, had been done in such a way that it could be adapted to the narrow gauge with very little expense, and if such was the case a great difficulty would be removed. He believed on good authority that the great weight of the cars and locomotive used on the Grand Trunk occasioned immense wear and tear, and he believed the delays and accidents now so frequent would be to a great extent avoided under a narrow gauge system.

He trusted the question would receive the careful consideration of the House, and though serious expenditure might be involved, yet he understood only some twenty miles of line had yet been laid. If the line were to form a part in a continuous system from Halifax to Vancouver Island, the gauge must be narrow.

**Mr. MAGILL** said that the narrow gauge had almost carried in the House last Session, and the member for Grenville (Mr. Shanly) now stated it to be the gauge of the continent, and this being so he considered it would be much easier to change now when the road was only partially constructed than when it should be completed. He also referred to the Great Western as an argument in favor of narrow gauge. He hoped the Government would not be frightened at the expense, but would yield to the imperative desire of the country. It was comparatively a small matter to use a narrow gauge. The Grand Trunk would change theirs if they could, and the time would arrive when they would do so. He hoped the motion would pass.

**Hon. Mr. HOWE** admitted that the argument of the member for Grenville (Mr. Shanly) in favor of narrow gauge was unanswerable, and if there were no difficulties there would be no difference of opinion, but a change in the gauge of the Intercolonial would be a gross breach of faith and honor with the Maritime Provinces. In those Provinces, the roads were broad gauge, and a different gauge on the Intercolonial would deprive Nova Scotia and New Brunswick of all benefit from that line.

**Mr. BOLTON** thought the importance of the matter justified a full discussion. He had listened with great pleasure to the statement of the Minister of Public Works (Hon. Mr. Langevin), whose arguments were very strong and almost convincing,—but that hon. gentleman had overlooked the value of the Railway connection between Halifax and the United States. It was only a question of time as to the broad gauge lines being narrowed, and before the Intercolonial was complete there would be a narrow gauge line into St. John. The broad gauge stock constructed for the Intercolonial

could very well be used on the present broad gauge line, and he should therefore support the motion on the ground of economy as well as expediency.

**Mr. STREET** thought it unfortunate that the narrow gauge had not been adopted in the first instances of Railway construction, but he did not see how it would be possible with prudence to disturb the gauge of the Intercolonial, considering the great difficulties in the way of doing so. Contracts were already heavy, and the Government would have to keep them no matter what advantage there might be in a change,—then a very large expenditure would be necessary to change the gauge of the roads in the Lower Provinces, and he did not think they should be prepared to throw upon the country the great burden of these expenses. The Grand Trunk would have to form a portion of the communication, and there was no reason to believe that that Company would change their gauge, for their means would not admit of their doing so; and certainly he did not think Parliament was prepared to help them to do so. For these reasons he was not in favor of the motion.

**Mr. WALSH** said the question presented itself to his mind in two aspects—convenience and economy. Most of the gentlemen who had spoken had referred to the great advantage of lines connecting with each other having a uniform gauge, and consequently he thought the Intercolonial should be uniform in gauge with those lines with which it connected. It connected at every point with broad gauge lines, and therefore on the ground of convenience it also should be broad. It had also been forcibly pointed out that if the Intercolonial were broad gauge the Lower Provinces would have a uniform gauge from east to west, whereas otherwise there would have to be a breakage at each end of the Intercolonial, and therefore, on the ground of convenience, the broad gauge should be adhered to.

As to the question of economy the House would remember that the contracts had been let out on the principle of lump sums, and therefore, as the contractor would be entitled to that lump sum whether a broad or narrow line were built, a change would not save one dollar on the contracts. Then, again, a large number of platform and box cars had been constructed which could not be changed, and therefore a change would involve the loss of the whole cost of their construction. As to locomotives, forty were under contract; but after the vote of last year, instructions had been given that they should be so built as to be capable of change when necessary. He considered, under these circumstances, that they would not consult the convenience of the trade and commerce of the country by changing the gauge at the present time, while nothing would be saved in constructing the line, but the additional cost of changing the stock would be incurred.

Taking into account the character of the country through which the line would pass, and the obstacles it would encounter in winter, he could not admit that the narrow gauge would be the more suitable. He referred to the fact that during the past winter the St. Lawrence and Ottawa, a narrow gauge line, had often been blocked

by snow, while the Brockville and Ottawa, a broad gauge, had remained unobstructed, though he would not state that this was altogether on account of the difference of gauge. He thought that economy and convenience required that the old gauge should be adhered to, though when the time came that the Grand Trunk should change its gauge, the Intercolonial might be changed also.

**Hon. Mr. McDOUGALL (Lanark North)** was very glad the question was again before the House though he scarcely expected the resolution would be confirmed. As to the broad gauge lines encountering the winter season better than the narrow gauge lines such an idea had proved to be purely imaginary. He thought the matter should be thoroughly investigated as to which gauge was best, and the House would then be better able to decide whether the change should be made, and he would desire to have the matter referred to a committee of the House which could examine Engineers and Railway Managers, and ascertain the true facts of the matter.

He thought the argument of the last speaker that a broad gauge was more suitable to overcome the difficulties occasioned by snow, was met by his admission that the gauge would ultimately have to be narrow, for certainly time would not change the snow, and he believed the narrow gauge was equally able to contend against snow with the broad gauge for the increased breadth and consequent resistance. To him the question seemed a large one, involving a great outlay of money, and the public interest would be served by a thorough examination.

As to the argument that the Grand Trunk, being a broad gauge, required that the Intercolonial should be so also, he could not see its force, for he apprehended each road would have to use its own rolling stock and if so there might as well be a transfer from a broad to a narrow gauge car as from one broad gauge car to another. As to the cars already constructed he agreed with the suggestion that they could be used on other Government broad gauge roads. The whole question was one for investigation, calculation, and decision on evidence, and the House was not in a position to decide the matter now.

It would be very awkward if, in some years to come, it was found that in the face of the whole experience of the railways of America and Western Canada the House had continued a construction of a gauge altogether inferior and more expensive. He had great confidence in private railways and he hoped that the House would not deal with the question on party grounds, and that Government would not adhere to their previous decision if full enquiry should result in a decision in favour of a narrow gauge.

**Mr. BLANCHET** said his individual opinion was in favour of the narrow gauge, but he could not take the responsibility of involving the country in so great an expense as was implied in a change of gauge under present circumstances. Moreover he could not admit that the narrow gauge was the gauge of the continent. The railways of the Northern States had a wide gauge, and those of the

Southern States had generally the same gauge.

It being six o'clock the House rose.

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## AFTER RECESS

The House resumed the adjourned debate on the proposed motion of **Mr. COLBY** for the Second Reading of the Act to repeal the Insolvency Laws, and the motion of the **Hon. Mr. CAMERON (Peel)**, in amendment thereto.

**Mr. MAGILL** said he was in favour of the repeal of the Insolvency Law. After an experience in business, extending over a period of thirty-one years, it was his candid opinion that the law tended to demoralize honest traders and worked to the advantage of the dishonest and fraudulent. Men should be made to feel the responsibility of their obligations, and not to be allowed to fall back upon the Insolvency Law. He thought that any man who could show an honest record would be liberally dealt with by his creditors. He was satisfied that every honest trader was in favor of the repeal of the law, and he would hold every man responsible for the obligations he entered into.

**Mr. SCRIVER**, from experience, had arrived at the conclusion that the law in force had a great many imperfections. He had seen many instances in which estates, when wound up, had not produced the satisfactory results hoped for, but, at the same time, he thought an insolvency law was necessary in order that creditors should be protected. Should the law be repealed altogether, the fortunate creditor who might happen to be on the spot would get the lion's share, and the others would have to take what they could get. The hon. mover of the motion had in effect acknowledged that such a measure was judicious and proper.

He would have preferred having the measure referred to a select committee, in the belief that they would be more likely to get a report than from a committee having so much business as that of Banking and Commerce. He would prefer seeing the law amended in some particulars, but would not support the motion of the member for Stanstead (Mr. Colby).

**Mr. YOUNG** remembered something of the state of things prevailing throughout Ontario before the present law, those were the days of preferential assignment when a single creditor seized the whole of the goods. He thought the motion was altogether too sweeping; they should endeavor to correct the errors in the law, but not reject the principle altogether.

One hon. gentleman had stated that cases of insolvency were increasing rapidly, and where there were five hundred insolvents before the passing of the law there are a thousand now, but the hon. gentleman must have drawn on his imagination, as there were only



April 25, 1872

three hundred insolvents gazetted last year, and for the quarter ended 31st March last there were only 114 against 133 for the same period last year. He attributed many of the failures, not only to dishonesty on the part of debtors, but to the lax manner in which importers conducted their business.

He thought the law had had the effect of restricting credit, and causing more cash transactions. Unless an Insolvent could pay 50 cents in the dollar, he could not get a discharge for three years, and if he could pay 75 cents in the dollar he could get his in one year so that the tendency of the law was to induce a man to take advantage of the Insolvency Court while his estate would give a dividend to his creditors, instead of struggling alone until it was eaten up altogether. The argument had generally been in favour of amending the law instead of repealing it, and many members who last year voted for the repeal would support the Bill this year. With one exception, not a petition in favour of repeal had been laid on the table.

He thought the Government should have stated their views, and the side they intended to take in the matter. If the law was repealed, the table would, in less than a year be flooded with petitions for its re-enactment. It should be remembered that the measure expires next year, and he could not see that anything would be gained by putting an end to it this session. It should at least have a fair trial so that they could see its effect. He trusted the Bill of the hon. member for Stanstead (Mr. Colby) would not pass, but that it would be referred to the Committee on Banking and Commerce, or other means taken to introduce those amendments which time and experience had shown to be necessary.

**Mr. BELLEROSE** considered a bankruptcy law necessary, but the present law required many amendments, and he moved that the debate be adjourned to the 9th May.

**Mr. KIRKPATRICK** thought the Insolvency Act as at present encourages fraud. Wholesale merchants send out their agents who force their wares on country dealers, thus overstocking them, the result being in many cases a bankrupt stock, which does not trouble the wholesale dealers very much, as he is sure of getting his stock, while the honest and solvent trader is injured by the sale of the bankrupt stock at reduced rates. He was perplexed as to how his vote should be given, but on consideration he had arrived at the conclusion that the present law was unacceptable to the country. He should therefore vote for the motion of the hon. member for Stanstead (Mr. Colby); but while he should vote for the Second Reading, he did not wish it to be understood that he was opposed to all insolvency laws.

**Mr. McDONALD (Antigonish)** did not hesitate to say that the law, as it now stands, is superior in many respects to the English law. Many who were opposed to it last year were in favor of it this year. If the law was repealed every man whose solvency was doubted would be pounced upon by his creditors, and in many cases one creditor would get the whole of the estate.

He believed that every country desirous of promoting prosperity

should have a bankruptcy law. The Bill had been in operation in Nova Scotia during the past two years, and in the constituency he represented there had not been one single case of bankruptcy, and in no case which had come under his notice had it been shown that the parties were guilty of fraud. He would vote against the motion of the hon. member for Stanstead (Mr. Colby), but would vote for any Bill that would amend the objectionable clauses of the present law.

**Mr. LANGLOIS** explained the Lower Canada law in respect to the winding up of insolvent estates. He feared that if the Bill was referred to the Committee on Banking and Commerce no return would be made this session. He hoped his hon. friend the member for Laval (Mr. Bellerose) would withdraw his motion.

**Hon. Mr. MACKENZIE** did not intend to discuss the particulars of the Bill further, but he thought that putting it off for a fortnight was practically killing it, and he would ask hon. gentlemen who were opposed to the measure to take a vote upon it. The sense of the House had been tested last session when a majority gave an opinion in favor of the measure now before the House, and he believed that if members voted according to their convictions the same opinion would now prevail. The proposal of the hon. member for Peel (Hon. Mr. Cameron) was simply to kill the bill, and it would be much better to take a direct negative vote than to make an amendment that said practically that the bill of the member for Stanstead was one that ought not to pass.

Some legislation might be necessary either by this House or the Local Legislature in order to give effect to some more equitable mode of effecting the distribution of bankrupt estates. That question would have to be met either here or there, but he did not think that a sufficient reason for refusing to repeal the present bankruptcy laws. That could be provided for when the difficulty arose.

He had watched the operation of the law for many years and had come to the conclusion that it was not a beneficial law. Although the Act expired of itself in a very short time, a general demand had arisen for its immediate repeal, as it practically enriched the official assignees at the expense of the creditors. This was the experience of all but perhaps a few wholesale merchants, who have found the Act conducive to their interests. He believed that an absolute injustice was done to the majority of the people by its operation, and he would assist to the utmost in his power in obtaining a repeal of the Law.

He admitted that other measures would be necessary, and he was prepared to give them an earnest consideration; but the amendments made from time to time had simply resulted in making the Act more expensive in its operation, and more difficult to understand. For these reasons he hoped that all who were in favor of an alteration in the law in the sense he had indicated would vote against the motion of the member for Peel (Hon. Mr. Cameron), and the amendment of the member for Laval (Mr. Bellerose).

**Mr. COLBY** was not insensible to the importance of the question. He had approached the consideration of the question



purely in the interests of the country; he had no personal interest in the matter, except that interest which every hon. member should take in a subject of this kind. Although he had been entrusted with the management of the Bill, he had not taken advantage of thin benches or surprise votes to press the matter. After all he had heard, his convictions that the law was a bad one were not lessened, but the principles which he had laid down in his opening remarks had been in his opinion fully confirmed.

He had contended that an Insolvency Law should only be temporary in its character, and this view had not been met in a manner to induce him to change his opinion. He regretted that his hon. friend from Brome (Mr. Carter), who agreed with him in his general views on this question had not an opportunity of quoting certain authorities on the nature of a Bankrupt Law as viewed in the United States and in England, which would be found to bear out his views.

Having quoted these authorities, the hon. gentleman proceeded to say that his argument was, simply, that a bankruptcy law was justifiable in certain conditions of trade, as a general amnesty was justifiable after war, but that it should not be allowed to remain on the statute book after the exigencies which required it had passed away. The law had never worked well either in England or Canada. The defect was not in the machinery, it was an inherent defect in the law itself as adopted to the present condition of affairs. It was conducive to fraud and the lowering of the standard of business honour and integrity.

He had listened to the argument of those learned gentlemen, the hon. members for Mégantic (Hon. Mr. Irvine), Durham West (Hon. Mr. Blake) and Peel (Hon. Mr. Cameron), gentlemen of high legal standing in the country, and he found that they all agreed that the law was defective, but differed as to the nature of the amendments required. But still they thought it should be allowed to remain on the statute book. He contended that a law which did not apply to non-traders as well as traders was not sound in principle, and he would like to hear any advocate of this law say that he would be willing to see it applied to non-traders. He did not believe with the hon. members from Montreal (Messrs. Workman, Ryan, Hon. Sir George-É. Cartier) that this law was a favorite law with the commercial classes of the country. The merchants of Quebec, Trois-Rivières, and Saint-Hyacinthe, he believed, did not approve of the law, and the great commercial cities of Ottawa, Kingston, and Hamilton have already spoken or will speak against it. The retail traders were all against it.

The member for one of the Wards in Montreal had read a letter from a high authority in that city to the effect that the mercantile community were in favor of the bankrupt law. He would take the liberty of referring to a letter from the same correspondent to the effect that the insolvency laws had been a failure and a hardship to creditors, and that their losses since 1861 had been fully 50 per cent more than they were previously. He read letters from Montreal as to the action of the Board of Trade to show that it in no way represented the feeling of Montreal, and questioned the grounds of

the member for Montreal (Mr. Ryan) changing his vote, because of the action of the Boards of Trade. He said he spoke earnestly because he felt warmly that the law should not continue, but was quite willing that there should be a law enacted as a substitute which should properly meet the requirements of the country. He was also prepared to endeavour to frame a law for the relief of the honest debtor.

It was coolly proposed to send his Bill to a Committee, and the result would be altogether different from that desired and he could not consent to it. The Bill was not a new matter, there could be no lack of time for consideration, and he would consent to nothing but a straight division, and he would then and only then bow to the decision of the House.

**Mr. RYAN (Montreal West)** desired to correct the statement of the member for Stanstead (Mr. Colby) as to the views of the merchants of Montreal. He quoted from a letter to show that amendment, not repeal, was desired.

**Mr. HOLMES** had come to the conclusion that it was not in the interest of the Dominion that there should be a bankruptcy law, or any mode which enables the debtors to defraud creditors. As the law now existed many innocent farmers were ruined by simply becoming security for business men who afterwards became bankrupt. The law should be repealed.

**Hon. Sir GEORGE-É. CARTIER** in rising to state the views of the Government on the question, congratulated the member for Stanstead (Mr. Colby) on the way in which he had supported his measure. Too great importance was attached to the existence or non-existence of an insolvent law. That law was a temporary one; and one ground of opposition taken to the measure for repeal by the Government last year was that the law ought to have a fair trial but the House had decided against them. That ground was stronger now and he thought the feeling against the law had been somewhat exaggerated by the member for Stanstead. The law would expire next year. There were only some 100 insolvents yearly, and it was therefore neither just nor right that the law should be repealed in its last year, for Ontario, Nova Scotia, and New Brunswick had no other law on the subject, and very great inconvenience would ensue to them.

He appealed to the members for Lower Canada that they should be considerate towards the other Provinces in the matter. The law was only beginning to be understood, and the obvious course was to let the matter rest, and the Act could then expire in its natural course. Another reason for this course was that they were on the eve of a general election, in which this matter would have great weight with the electors.

He had never been a warm advocate of a bankruptcy law, but one who like him had come in contact with business men must have found that there must necessarily be some bankrupt law. A great amount of business was done on credit, and consequently there was speculation, and perhaps recklessness, and there must be some provision for honest bankrupts, so that he need not remain

April 25, 1872

overwhelmed with debt all his days. They did not make it a Government question, for though some were not in favor of a bankruptcy law the majority were opposed to repealing it at the present time and on the eve of a general election.

He again appealed to the members from Quebec not to leave those of other Provinces liable to a system which allowed the first creditor to absorb everything. Then let the matter rest for another year. The position of the Government was the same as last year.

**Hon. Mr. HOLTON** could not allow a vote to be taken without explaining his action. Last year he voted for the measure of the member for Stanstead (Mr. Colby), because he believed the commercial community to be averse to the continuance of the Insolvent Law, but he now believed that the matured opinion was, that the law should not be abruptly repealed but amended, and he should therefore support its continuance.

**Hon. Mr. HUNTINGTON** voted last year against the repeal of the Law, because he believed there was no sufficient opinion on the question, but he now believed the universal opinion of the rural districts was in favor of repeal, and he thought the matter affected

them as much as it did the merchants. He believed there was a necessity for a bankruptcy law, but that it should not be permanent. He gave instances in which great wrong had resulted to the rural population. For these and other reasons he should vote for the repeal of the law.

**Mr. HAGAR** said he should support the repeal.

A division was then taken on **Mr. BELLEROSE'S** motion to adjourn the debate, and resulted as follows: Yeas 55, Nays 80.

The division on **Hon. Mr. CAMERON'S (Peel)** amendment to refer the matter to the Committee on Banking and Commerce, resulted in the following vote: Yeas, 62; Nays, 76.

The motion for the Second Reading of **MR. COLBY'S** bill was then put. the vote being: Yeas, 77; Nays, 62.

The Bill was then read a second time and was ordered to be submitted to a Committee of the whole House on Monday.

The House adjourned at 10.50.





April 29, 1872

## HOUSE OF COMMONS

Monday, April 29, 1872

The **SPEAKER** took the Chair at 3 p.m. and reporters were admitted at 4 p.m.

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*Prayers*

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### ROUTINE PROCEEDINGS

A number of petitions were received, among which were:

**Hon. Mr. JOHN YOUNG**, of the European and American Telegraph Company, praying for an extension of their charter.

**Mr. D.L. MACPHERSON** and others, praying for an Act of Incorporation for the Inter-oceanic Railway.

The petition of the Toronto Board of Trade, praying for the abolition of stamps upon promissory note.

The petition of the Board of Trade of Toronto praying for the repeal of the Insolvency Act.

And the petition of the Quebec Board of Trade, praying that the Insolvency Act should not be repealed.

A message was received from His Excellency submitting the correspondence between the Imperial Government and the Governments of Newfoundland and Nova Scotia, relative to the Washington Treaty, and especially the fisheries clauses in the Treaty.

**Hon. Mr. MACKENZIE** inquired concerning Lord Tenterden's account of the Fenian business.

**Hon. Mr. GRAY** moved for leave to introduce a Bill to incorporate the Thunder Bay Silver Mining Bank.

**Mr. HARRISON** moved to introduce a bill to amend the Insolvent Act of 1869.

**Mr. MERRITT** moved for a Bill to incorporate the St. Catharine's Board of Trade.—Referred to the Committee on Private Bills.

**Hon. Mr. HOWE** submitted a report of the proceedings of the Indian Commissioners of Northumberland.

**Mr. TREMBLAY** moved for the introduction of the ballot system in elections.

**Mr. MORRISON (Niagara)** moved for the introduction of a Bill for the incorporation of the Fort Garry and Lake Superior Railway Company.

**Mr. WALLACE (Vancouver Island)**: Whether it is the intention of the Government to extend the Dominion system of Weights and Measures to British Columbia; the Imperial system, at present in force in that Province, being found very inconvenient to trade, owing to the adoption of the Canadian tariff?

**Hon. Mr. MORRIS**: It is not the intention of the Government to do so at present.

**Mr. DELORME (Provencher)**: Whether measures had been adopted to give to the half-breeds the grants of land provided by the Manitoba Act; when and how distribution of such lands will be made; whether the reserves designated in an official document dated at Ottawa, 23rd May, 1870, will be respected?

**Hon. Sir JOHN A. MACDONALD**: All the papers relative to the subject will be brought down in the course of a few days, and will speak for themselves.

**Mr. BOURASSA**: Whether it is the intention of the Government to include in the estimates a sum to provide for the building of light houses, and the placing of buoys, pronounced indispensable to the navigation of the river Richelieu, between the town of Saint-Jean and the frontier, as a consequence of the visit and examination made in this locality last summer and autumn, by the Trinity House Board, and the Deputy Minister of Marine and Fisheries?

**Hon. Mr. TUPPER**: Provision has been made in the Estimates for this service.

**Mr. BEATY**: Whether Detective O'Neil of the City of Ottawa is in the employ and pay of the Government?

**Hon. Sir JOHN A. MACDONALD**: Certainly not in the employ of the Dominion Government.

**Hon. Mr. McKEAGNEY**: Whether it is true, as reported in the daily papers, that Mr. Madden has been appointed Emigration Agent from the Dominion of Canada to the North of Ireland?

**Hon. Mr. POPE**: As Captain Madden after a sojourn of some months in the country, was returning to Ireland, he (Hon. Mr. Pope)

had availed himself of his services as Immigration Agent.

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### INTERCOLONIAL RAILWAY

**Mr. JONES (Leeds North and Grenville North):** Before putting his motion would ask when the report of the Commissioners would be brought before the House. He had seen a report in the newspapers purporting to come from the Commissioners, but it did not contain the information he desired.

**Hon. Mr. LANGEVIN** said that the report was laid on the table the other day, and he supposed it had gone to the Printing Committee. If on examination the hon. gentleman found it did not contain the particulars he required, he could then make his motion, or if he wished he could make it now.

**Mr. JONES (Leeds North and Grenville North)** thereupon moved for a statement of costs and charges connected with the survey and management of the Intercolonial Railway, and said that some members of the House had questioned him as to what he meant by the "Commissariat Department." He referred to the last report of the Commissioners which gave statement of salaries, &c, paid on account of Commissariat Service at Ottawa, and thought the Commissioners should explain.

**Mr. WALSH** explained that in the early progress of the work it had been necessary to provide provisions for the staff on the line, and the salary of the staff was fixed accordingly. Paymasters had been appointed who purchased the supplies and paid the salaries, but they were not stationed at Ottawa as the hon. gentleman supposed they were upon the work paying the men and purchasing the supplies since the beginning of last year; however that portion of the service had been discontinued. As the work had progressed the staff had been able to get provisions for themselves and their salaries had been rearranged. There was now no commissariat. He would take the opportunity of saying that the return about the Miramichi Bridge would, he thought, be ready to be brought down to-morrow.

**Mr. ROSS (Wellington Centre)** moved for a return of the number of ploughs entered at the Port of Guelph. He desired the information as he had been informed that some ploughs had been entered free of duty?

**Hon. Mr. TILLEY** said the information would be furnished.

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### SCHOOL LAW IN NEW BRUNSWICK

**Mr. RENAUD** moved for correspondence, &c., relating to the School Act passed by the Legislature of New Brunswick. In supporting his motion, he complained of the action of the

Legislature of that Province in reference to the School law they had recently passed. He stated that this law was unfair in its operation, so far as concerned the interests of Roman Catholics, because it ignored their religious scruples, and also in its use of the French language. He argued that the law was unconstitutional, and that the Government had a right to interfere in the matter.

**Hon. Mr. ANGLIN** complained very strongly of the unjust working of the present law in New Brunswick as compared with the Act repealed. He said that when the Act now in operation was before the New Brunswick Assembly the Roman Catholics petitioned that it should at all events give them rights similar to those enjoyed by the Protestant minority in Quebec, but they petitioned in vain—and the only result was that the Act was made to press more heavily upon them than it was first intended to do. The Catholics there still believed that they had a remedy in applying to the Dominion Government. He believed that the present Act was unconstitutional, as it took away rights which were enjoyed by the Catholics under the previous School law, which had no provision that the schools should be non-sectarian, but on the contrary provided that the children should be taught the principles of Christianity, morality, and justice.

He then entered into an explanation of the old Act under which Counties were divided into parishes which elected three Trustees who, under the Education Board, appointed Teachers, who were paid by the Province—so that in Catholic Districts Catholic teachers were always appointed, and the children taught the Catholic religion, not only orally, but by Catholic text books and maintained that under the present system all this was possible. He said that the old law not being applicable to all towns special grants had hitherto been made for education in the towns, which were renewed every year though the Legislature had power to suspend them.

He maintained that under Confederation which professed to protect the rights of all classes, the present law ought not to be allowed to remain in force. He maintained that the law when referred to the Dominion Government ought not to have been treated as a legal question only, but as one of policy and justice. He complained that the Catholics had petitioned the Dominion Government most respectfully, feeling deeply the wrong they had sustained, and it was not for months that they received any answer, when they were informed that the law was to go into force. He said that the local governments were quite competent to decide as to whether their Legislation was constitutional, and it would be useless to submit that question alone to the Dominion Government. When it became known that the Act would not be disallowed the Local Legislature had made it still more intolerable and hateful to the Catholics by the regulations they framed under it. There could be no doubt of the soundness of the policy of not interfering with the Local Legislature where it could be avoided, but this was a case in which the greatest excitement and dissatisfaction had been occasioned throughout the whole Province, and he could imagine no good or sound reason why the Act was not declared void.



April 29, 1872

The greatest hatred and excitement prevailed at this moment throughout the Province, and he appealed to the Roman Catholics of Quebec and throughout the whole Dominion not to sit down tamely and see their brethren in New Brunswick outraged, insulted, and deprived of their just rights and privileges.

**Hon. Sir JOHN A. MACDONALD** said that on the general question whether the Roman Catholics of New Brunswick should have a Separate School Bill, and whether they should have a law similar in spirit to that protecting the Roman Catholics of Ontario and the Protestants of Quebec, that House could not decide, and, as a House would have no voice or opinion. The individual members of the House might have their individual views, but the matter was one in which the House would take no action. Individually he was very much at one with the hon. gentleman who had just spoken; and during a long Parliamentary life he had shown himself consistently a friend of Separate Schools, and was right glad when the Catholic minority in his own Province secured for themselves a Separate School system.

It was known to everyone that the question of education had threatened Confederation at its very inception, and a proposition that education should be left to the General Legislature of the Dominion would have been enough to secure the repudiation of Confederation by the people of Lower Canada, and it was therefore expressly provided in the Act of Union that the question should be entirely left to the different Provinces with the provision that wherever there was a separate system in force that system should not be interfered with, and that any denomination which had secured at the time of the passing of the Act, or which might at any time thereafter, by the Act of the Local Legislatures secure any privilege, that privilege should not be affected by any Act of the Local Legislature, and that if any attempt was made by that Legislature to set aside such privilege it would be void, and the Governor General was empowered to see that this was carried out.

In the matter of the Bill now in question the sole matter which presented itself to the Government was whether according to "the British North America Act, 1867," the Legislature of New Brunswick had exceeded its powers. The hon. gentleman had complimented the Dominion Government to a certain extent on the absence from all interference in the action of the local legislatures since Confederation. As the officer primarily responsible on such subjects, he could only say that he had taken uniform care to interfere in no way whatever with any Act passed by any of the Provincial legislatures if they were within the scope of their jurisdiction.

There were only two cases in his opinion in which the Government of the Dominion was justified in advising the disallowance of a Local Act. First, if the Act was unconstitutional, and there had been an excess of jurisdiction and second, if it was injurious to the interests of the whole Dominion. In the case of measures not coming within either of those categories, the

Government would be unwarranted in interfering with local legislation.

In the present case there was not a doubt that the New Brunswick Legislature had acted within its jurisdiction, and that the Act was constitutionally legal and could not be impugned on that ground. It was a general Common School Act not applying to any denomination or alluding to, or affecting any denomination, and was an amendment of a law of the like general nature for the establishment of common or parish schools through the whole of New Brunswick. Among his colleagues he was happy to reckon men whose opinions as lawyers must be respected, and he had also Roman Catholics whose religious sincerity and whose desire to protect their religious privileges was beyond a doubt, and his colleagues had been unanimous that there were no grounds to interfere with the Act.

As to the second ground which he had mentioned, on which he considered the Dominion Government would interfere, it could not be held that the Act in any way prejudicially affected the whole Dominion, because it was a law settling a Common School system for the Province of New Brunswick alone. Whether that law was good or bad, whether it was fair or unfair, was a matter for the consideration of the representatives of the people of New Brunswick, and he was further bound to say that, in his opinion, it was not a wise discretion to agitate against the Act on the ground that it repealed an Act which authorized a Separate School system. The Catholics of New Brunswick might think that the old Act was less objectionable than that now in force, but they also objected to the old one and maintained it was not fair towards them. No separate school system was provided by that Act, and the true course for the New Brunswick Catholics was to follow the example of those in Ontario and fight the matter out in the Local Legislature.

If the legislation was bad, if it bore on them unjustly, that injustice pressed at the polls would force the Legislature to do justice. They had in his opinion a just cause, for it was for the interest of education that if a large body like the Catholics of New Brunswick desired a separate school system they should have it, but it could only be obtained by working for it. An important body like that, holding the balance of power in New Brunswick could force upon the Legislature a Separate School system. They might not do it this Session, but they could afford to wait as the Catholics of Ontario waited, and the moment a law was secured then they were protected by the provisions of the Confederation Act, and no power of the Local Legislature could ever deprive them of it. It would be a wonderful mistake in the Catholics of New Brunswick, and they would be throwing away their case if they upheld the Act lately repealed as being sufficient for their purposes, but it was a matter for them to decide, and it was not for Canada to dictate what the Legislature of New Brunswick should do.

The Government of the Dominion could not act, and they would have been guilty of a violent wrench of the Constitution if because they might hold a different opinion, they should set up their own



judgment against the solemn decision of a Province in a matter entirely within the control of that Province. The constitution which had hitherto worked so easily and so well could not survive the wrench that would be given if the Dominion Government assumed to dictate the policy or question the action of the Legislatures of the different Provinces on subjects reserved by the British North America Act to those Legislatures.

**Hon. Sir GEORGE-É. CARTIER** said his co-religionists in New Brunswick would not doubt his sincerity in upholding their interests. The only question which the Dominion Government had to decide was whether the Act interfered with rights previously enjoyed by Catholics in New Brunswick. The previous Acts had never conferred the right of Separate Schools but there had merely been a legislation from year to year. He regretted very much the action of the Local Government but as the old Act granted no Separate Schools to the Catholics, and no special rights he believed the passing of the present Act would tend to set the matter right, for if the Catholics worked and persevered, bearing in mind the struggle through which the Ontario Catholics had struggled, and if they went to work properly, not fanatically, but justly, they would obtain the same right of Separate Schools that had been granted in Ontario. Let the Catholics of New Brunswick use the argument how in Quebec the great majority of Catholics had treated the Protestants with such liberality and generosity, and let them persevere and they would not fail to obtain their just rights.

**Mr. BELLEROSE** said it was understood when the Act of Confederation was passed that the rights of minorities in the matter of education would be preserved; but by the legislation of the Local Legislature of New Brunswick this wise provision had been lost sight of, and a sort of injustice had been perpetrated toward Roman Catholics, against which he protested. He characterized the proceedings of the Local Legislature as an outrage to his co-religionists, and he would earnestly oppose them. In Quebec there was liberality toward the Protestant community and he insisted upon a similar liberality towards Roman Catholics in New Brunswick. Under the old law the parishioners had the right to state what amount of education they might have conferred upon their children, but now they were wholly at the mercy of the Protestant School Commissioners. There was, in truth, no law for Catholics in New Brunswick as far as education was concerned. The law was compulsory to the extent that all the moneys were sent into the County Treasurer's hands, the interests and wishes of Roman Catholics being to that extent, at all events, completely lost sight of. Some persons who laughed now while he was speaking of Roman Catholic rights in New Brunswick, spoke themselves somewhat energetically about the people's rights in Manitoba. The Catholic minority in New Brunswick may not have any rights in a legal point of view, but, honestly considered, they had rights which they would not readily cast aside. They had, or rather were entitled to privileges which no Government could properly infringe upon.

It being 6 o'clock, the House then rose.

## AFTER RECESS

The debate on the motion of **Mr. RENAUD** for correspondence relating to the School Act passed by the Legislature of New Brunswick was resumed.

**Mr. BELLEROSE** resumed his remarks. He observed that the Minister of Militia (**Hon. Sir George-É. Cartier**) had said that it remained with the Catholics of New Brunswick to contend for their rights; but he (**Mr. Bellerose**) held that the Catholics of that province were not in so favourable a position to contend for their rights as were the Catholics of Ontario. He observed for example that by the British North America Act, 24 seats were reserved for the representatives of the Maritime provinces but only two of these were occupied by Catholics. He alleged that the Catholics of New Brunswick had been deceived by means of the difference that was made between the resolutions of the Quebec Conference and those of Westminster. In conclusion, he protested against the want of liberality in the Maritime Provinces, and said he would bring up the matter at a favourable opportunity.

**Hon. Sir GEORGE-É. CARTIER** said that while provisions had been made in Ontario and Quebec for the protection of minorities, no such provision had been made in New Brunswick. During the discussion no suggestion had been made as to the rights of Roman Catholics. The Roman Catholic Bishop of New Brunswick had written letters in favor of Confederation, but in no case was there a provision made for protection to the Roman Catholics of New Brunswick. He contended that there should be exactly the same privileges granted to Roman Catholics in New Brunswick as there were in the Province of Quebec.

**Hon. Mr. GRAY** wished to correct a statement made by the member for Laval (**Mr. Bellerose**), that the Roman Catholics of New Brunswick had been deceived by that which took place at the Conference at Quebec being changed by the proceedings at Westminster. The practice of the Legislature of New Brunswick had been to give, by an annual vote, a certain subsidy to each denominational school, but there was no law by which that grant was sustained, and it was not incumbent on the Legislature to give it. The policy adopted at Quebec was confined to the two Provinces where such a law did exist, but at Westminster it was proposed to extend the same provision to New Brunswick and Nova Scotia, as Ontario and Quebec. As a representative of the Province of New Brunswick he declined to enter into the propriety of that Province legislating on the subject under discussion, which he considered was a matter exclusively for Local Legislation. The Roman Catholics of that Province were a large and influential body, and it was quite in the power of the Province to legislate as the interests of her people might demand.

**Mr. BELLEROSE** said that the words "have by law" had been added at Westminster, and it was to those words that he took objection.

April 29, 1872

**Mr. COSTIGAN** said that the member for Gloucester (Hon. Mr. Anglin) had in his opinion honestly, fairly, and independently, represented the views of the Roman Catholics of New Brunswick, and he thought he might also say of a very large portion of the Protestants. It was unfortunate when questions came before Parliament which provoked religious discussions, but this question did not necessarily do so. It was not a question of the Catholics trying to overcome the Protestant influence, it was simply a right that they felt entitled to that they tried to protect. It was a right that they had long enjoyed and felt grieved that it was taken from them. If their wishes had been carried out it would not have affected the Protestants in any way. As to the constitutionality of the measure, there was but one feeling throughout the Province and that was that the act of the Local Legislature was in direct violation to the Constitution.

It had been said that there was no law in New Brunswick by which separate schools were in existence. He contended that such laws had existed, under which Catholic schools were established and maintained by annual vote of the Legislature, and similar grants were voted for schools of all denominations. Under these laws Catholics were in a position to establish schools and employ Catholic teachers and could call upon the Government to pay their teachers out of the public funds, and that right would now exist but for the measure complained of. He could not understand how the argument could be used that they enjoyed no privileges by law in that country. It was true there was no law such as those in Ontario and Quebec, specially providing for sectarian schools, but he contended that under the law they had Catholic and French schools which were kept up at the expense of the country.

The objection taken by the hon. member for Laval (Mr. Bellerose) he understood to be that, while in the Quebec resolutions the rights of Catholics in the different Provinces were guaranteed (and it was not then believed that these rights should exist by virtue of any law), the resolutions as altered at Westminster, provided that where separate schools existed by law at the union their rights should not be affected. As it was now contended that there was no law recognizing Catholic schools in New Brunswick it would almost seem those words had been put in for the purpose of working against the Catholics of New Brunswick.

It had been said by the Minister of Justice (Hon. Sir John A. Macdonald) that the Catholics of New Brunswick must from the position they occupy in that Province, be able to exercise sufficient influence on the legislation of the country to secure a Separate School law, and he had cited the success of the Catholics in Ontario. But it must be remembered that the minority in Upper Canada had the influence of 60 or 65 Catholics from Lower Canada to assist them. The Catholics of New Brunswick were not in such a position.

**Hon. Sir GEORGE-É. CARTIER:** The hon. gentleman will recollect that the Catholics were in a minority in the Parliament of Canada.

**Mr. COSTIGAN:** No doubt that was correct, but the difference was not so great as in New Brunswick, and they exercised more influence in the Canadian Parliament than the Catholics of New Brunswick can expect to exercise in their Legislature. He felt proud to see that spirit of liberality and fair play which the Catholic majority of Quebec displayed towards the Protestant minority in that Province. He considered that the action of the Legislature of New Brunswick was not in the interests of the country. It had already interfered with immigration and had been the cause of driving from his part of the country settlers both from the United States and from Quebec. If there was any possibility of disallowing the law—it should not, in the interests of the Province, have been allowed to exist. Before sitting down he felt it his duty to express on behalf of the Catholics of New Brunswick as well as himself his gratification at the sympathy, aid and encouragement they had received in the defence of their rights from liberal-minded Protestants in the Province. (*Applause.*)

**Hon. Mr. ANGLIN** said that what the Catholics had asked for was, that if the system of direct taxation was adopted, they should have the same rights that Protestants had in Quebec. In applying to the Dominion Government, they considered that as they were being deprived of rights which they had enjoyed under the old law, that Government might well interfere. He feared the Minister of Justice (Hon. Sir John A. Macdonald) and the Minister of Militia (Hon. Sir George-É. Cartier) were mistaken in saying that the Catholics were sure to succeed if they persevered; but they would never relinquish the fight, however desperate the fight might be.

**Mr. PICKARD** was entirely opposed to denomination grants, and was sorry to hear the Minister of Justice (Hon. Sir John A. Macdonald) advise that the matter should be taken to the polls, for it only caused ill feeling and hatred. He maintained that education should be carried more than at present into the country districts. He thought that if the whole people joined together to carry out the spirit of the law, it would be much better than the present opposition and hostility; and that the greatest good would be effected by non-denominational schools. The matter ought to have been left to New Brunswick, and not carried here.

**Mr. COSTIGAN** desired to repeat that in a mixed population schools might be sustained acceptable to all parties, but that where the population was entirely Catholic, they ought to have a Catholic school.

**Mr. JOLY** said the Province of Quebec had set an example in this matter which had been followed in Ontario and which he hoped would be followed in New Brunswick. If it were possible to have such a system of education as that proposed in New Brunswick, a system where all parties could be educated together, it would be the best system possible. But this was utterly impossible. Poor people, struggling for their living, had not much time to devote to education; however it ought to be endeavored to give them as much education as possible. As a Protestant he thought it his duty to help Catholics to have schools of their own as Protestants had.



The motion was then carried.

## SENATE

**Mr. MILLS** moved, seconded by **Mr. GEOFFRION**, and the Question being proposed,

“That, in the opinion of this House, the present mode of constituting the Senate is inconsistent with the Federal principle of Government; and that our Constitution should be so amended as to confer upon each Province, in some way, the power of appointing the Senators which represent it.”

He said that if the question of a nominated Chamber had been submitted to the country at the time of Confederation, they would have decided against it. It was simply a step in the direction of the English House of Lords, and he maintained that such a House was altogether unsuited to the circumstances of Canada. In England the peers gained great experience in a Lower House, and by their action there gained the confidence of the country. They represented a great power in the country there. They possessed power which was not conferred on the Senate here. In England each body, the Crown, the Lords, and Commons was a check on the other, whereas in Canada what power had the Commons over the Senate? The Government of course raised their own friends to that Chamber, and so when there should be a change of Government the Senate would not be in harmony with the incoming administration.

There was no valid reason for the principle of nomination being introduced into this second Chamber. The power of the Commons lays in its representative character, and until the Senate is on the same basis it would never be a great power. If a House was formed of the representatives of one class only, it could never be an influential body. He complained that a Senate, while nominated, must necessarily be greatly one class. He stated the Legislative Council while nominated, had little influence but that so soon as it became elective, its character at once changed, and it very soon included some of the ablest men of the country. He believed that a nominated body must steadily degenerate. In a country like Canada changes succeeded each most rapidly, villages became cities, hamlets became towns, and in proportion as the country prospered and progressed so it became necessary that a Legislative body should not be long-lived.

The Senate at present had no hold on the popular sympathy, and was no check on the Commons. The only benefit of a second Chamber was to press on the other Chamber, the thought that their action had to be submitted to another power, and so there was less likelihood of the rights of a minority being overridden. Each Province ought to have the control of its own appointments so that they might be confident that the rights were upheld by both bodies. The two modes in which only a Senate could properly be appointed were first to divide the whole country into Electoral Districts for the

Senate, or that the appointments should be made by the local Governments. He did not think that reform should be delayed until that reform was absolutely needed and thought the Constitution of the Senate should be modified at an early day.

**Mr. ROSS (Victoria)** complained that such matters should be allowed to occupy the time of the House.

**Hon. Sir JOHN A. MACDONALD** said he always listened with pleasure to the remarks of the member for Bothwell (Mr. Mills) but in this instance he would have preferred that his speech had been presented as an essay or review in one of the periodicals of the day. The hon. member, however, had not exhausted the subject, and he would suggest therefore that he should elaborate his address and give it to them in a paper which could be read quietly in leisure time.

**Mr. MILLS:** Will you act on it?

**Hon. Sir JOHN A. MACDONALD** said he would act on it if he agreed with his hon. friend. The hon. member had said however that the English constitution was a matter of slow development, and was only altered when expedience showed that some portions of that constitution acted prejudicially to the public interest. Then Canada might take an example from that. Her constitution was one under which the country was well governed, and prosperous, and against which there was no complaint. No evil as yet had arisen from the constitution of either Chamber or the balance of power between the Executive and the Legislative. Why then not follow the example of England, and work the system so long as no evil resulted? If it should be found that the Upper Chamber was obstructive and that a change was absolutely required for the well working of the Commonwealth, it would then be open to move the resolution, but at present he thought the House would certainly vote it down.

**Hon. Mr. BLAKE** was surprised the Premier appeared undecided on this subject, and willing to consider it again; but considering his antecedents, perhaps they should not wonder at his want of fixed principles, on this as well as all other subjects. His remark that it might in future be for the benefit of the commonwealth to abolish the Upper Chamber altogether was not one fit to be made, having regard to the constitution under which we lived. He (Hon. Mr. Blake) believed the institution of an Upper Chamber was essential to the federal system, and should be regarded as absolutely sacred. It was to make it efficient that Mr. Mills propounded his resolution.

The form we had, the substance we had not, because nobody could deny that, however respectable the second Chamber might be individually, its deliberations had not that influence on the country, nor did it take that prominent part in its affairs, nor exercise that control over general legislation that was expected, and which it was, in his opinion, essential it should have. It owed a very great proportion of whatever influence it possessed to that large number of members, who represented the people through having been



April 29, 1872

elected from among those who ran for the former Legislature of Canada. The Senate would not exercise a wholesome influence on public affairs until the provinces obtained power to elect a Senate. When this power was obtained, the federal principle would then come fairly into play, and a seat in that body would become an object of more ambition than at present. The hon. member for Victoria (Mr. Ross) had deprecated the introduction of that question; but would the hon. gentleman have the House, called so late as it had been called, to sit idle waiting for Government measures? (*Hear, hear.*) There could be little doubt that, if Sir John saw the opportunity, he would adopt the proposition of the hon. member for Bothwell (Mr. Mills), and hold himself up as a saviour of the country. (*Hear, hear.*)

**Hon. Mr. HOWE** said that the second Chamber had always been nominated in all the provinces, and he asked whether the Senate was not a body of intelligent and hon. men, discharging their duties in an efficient and proper manner. No harm had yet resulted, and it was certainly unnecessary to have a change. The reason of the greater influence of the Commons was that it dealt with all money matters.

**Hon. Mr. MACKENZIE** said that in the debates on Confederation he had strongly supported a nomination principle for the Upper Chamber, presuming that every Government would endeavour to fill the Upper House with representative men, and he believed that such a plan fairly carried out would be the best. The experience of the past few years, however, had modified his opinions, and whether the time for change had yet come or not, he believed a change to be inevitable. Hon. gentlemen opposite could not deny that the power of nomination to the Senate had been abused, and that their supporters who could not retain their seats in the Commons had been placed there, and this was one reason that had induced him to modify his opinions. Where such an outrage was possible, a remedy must be provided.

**Hon. Sir JOHN A. MACDONALD** said he could not possibly allow the remarks of the hon. member to pass without reply. He denied the statement, that the Government had in any way acted improperly in the matter of appointments to the Senate, and said that they had used wise discretion in every appointment from the time of the first election till the present moment. There was not a single gentleman appointed who was not a credit to the Government and to the Chamber. The Senate, as now constituted, was equal to the Commons, or to the Senate of the United States in standing and intellect, and would compare favorably with any similar body in the world. When the hon. gentleman had used such language as that, an outrage had been committed; he must have been ignorant of the force and value of language, and he challenged the hon. gentleman to mention one instance in which there had been any improper appointment.

With regard to the Provinces of Upper Canada and Lower Canada, a full selection was made without reference to political principles. In the Province of Upper Canada a fair arrangement was made between himself and the Hon. George Brown, then and now,

the leader of the party of which the hon. gentleman (Hon. Mr. Mackenzie) is a member, and although Mr. Brown retired from the Government before the selection was made, he (Hon. Sir John A. Macdonald) felt that still the arrangement made was obligatory, and he asked his hon. friend from Lanark North (Hon. Mr. McDougall) and the present Lieutenant Governor of Ontario (W. P. Howland)—the representatives of the Reform party in the Government of the day—to sit down with him and select the twenty-four men for the Senate. He (Hon. Sir John A. Macdonald) wrote a name, choosing from his own party, and they selected their man, and the consequence was 12 Reformers and 12 Conservatives were elected to sit in that Chamber, and no one knew better than his hon. friend that it was a fair understanding that the claims of members of the Legislative Council of old Canada to seats in the Senate should be considered as vacancies might take place, and that had been faithfully carried out.

**Hon. Mr. MACKENZIE:** Hear, hear.

**Hon. Sir JOHN A. MACDONALD:** As vacancies had taken place Legislative Councillors had been appointed, with one exception. Mr. Walter McCrae, a Reformer, from personal and family reasons, desired to get a seat on the Bench. He (Hon. Sir John A. Macdonald) was exceedingly anxious to help him, because he was a good lawyer, and a good man, and would be a credit to the Bench. When he was offered a seat on the Bench he said he was exceedingly anxious on his own and family account to take the situation, but he was in the difficulty that the remaining member of the old Legislative Council, who was at all likely to be selected to fill the office, was of the Conservative stripe, and if he should give up his seat it would be said that he had done so in order to allow him (Hon. Sir John A. Macdonald) to appoint a Tory, when he (Hon. Sir John A. Macdonald) said he would have no objection to naming a Reformer, and asked if the Hon. Frank Smith of Toronto, would satisfy that category, and no one knew better than his honorable friend from Lambton (Hon. Mr. Mackenzie) that the Hon. Frank Smith was a Reformer. He was glad to have the opportunity of offering that gentleman a seat in the Senate as also of paying a compliment to the Irish Catholics of Ontario by placing a man of their class in the Senate, and he did not think the hon. member for Lambton would say that the appointment had at all damaged the dignity, usefulness or standing of that assembly.

**Mr. JONES (Halifax)** said that the appointments to the Senate, from the Province of Nova Scotia were created by means which a great majority of the people did not agree to, and but one of those chosen enjoyed the confidence of the people. He held that the Local Legislatures of the Provinces are the best Judges of, and should select those who are to represent them in the Upper House. He referred to the resolutions of the Maritime Provinces' Repeal Delegation, and the part the now Secretary of State for the Provinces took therein.

**Hon. Sir FRANCIS HINCKS** had not intended to address the House on this subject, but allusion had been made to him, both by the hon. gentleman who proposed the resolution (Mr. Mills) and the

hon. member for Lambton (Hon. Mr. Mackenzie). The hon. gentleman had said that he had seen occasion to modify his opinions on this matter, and he (Hon. Sir Francis Hincks) might also find occasion to modify his views.

He had referred to a Government of which he (Hon. Sir Francis Hincks) was a member, bringing forward a scheme to make the Legislative Council elective. It is perfectly well known that members of a Government sometimes have to give way their own opinions in order to carry on that Government. At the time the Government of which he was a member was formed, it was essentially necessary to the success of that Government that he should support the gentleman who especially enjoyed the confidence of the people of Lower Canada—he referred to the late Judge Morin—who enjoyed the respect of every one who knew him.

There was a very strong feeling in Lower Canada in favor of an elective Legislative Council. Mr. Morin insisted that the principle of an elective Legislative Council should be adopted, and it was with the greatest reluctance that he (Hon. Sir Francis Hincks) gave way on that point. His old friend, Mr. Baldwin had opposed the principle of an elective Legislative Council. He (Hon. Sir Francis Hincks) had not so strong an opinion, and as other matters of importance were carried out, and concessions made to the reformers of Upper Canada, at that time, it was considered that the measure for an elective Legislative Council should be brought forward. He had always thought that there was great danger of collision where there were two elective bodies. He hoped the hon. gentleman would withdraw his motion. He was glad of this opportunity to explain his action with a Government of which he was a member, and which proposed to make the Legislative Council elective. At that time he yielded his own opinions with reluctance, to opinions which were then entertained by all his colleagues from Lower Canada.

**Hon. Mr. HOWE:** In reply to the hon. member for Halifax (Mr. Jones), said that when that old manifesto was written he believed every word of it, and he was of opinion that the larger number of the representatives of the Province of Nova Scotia chosen at Confederation did not at that time entertain the opinions of many of the people. With regard to those gentlemen he had had influence in appointing to the Senate, the first vacancy was offered to Mr. William Stairs, brother-in-law of the hon. member for Halifax, one of the wealthiest and most liberal-minded men in the Province. He regretted that Mr. Stairs had not accepted, as he was chairman of the Anti-Confederate League, and had the confidence of the people. Mr. Northrup was next offered a seat in the Senate, and declined, but subsequently accepted another vacancy. He presumed that Mr. Northrup could have got a seat in Nova Scotia, where his father sat for 30 years, and his family had fought the battle of liberal opinions and responsible government, of civil and religious liberty in that province, before the member for Halifax was known, or any one supposed for a moment that his name would be classed with that of John Northrup the elder. As to Mr. Northrup, the younger, he had known the constituency he represented (Hants) to have been offered

to him by influences which could not be resisted, and when he was nominated to the Senate he held the metropolitan seat. Next came Mr. McLellan, whose father for twenty years represented a constituency of Nova Scotia, advocating all improvements and reforms, and when the old man died, young McLellan inherited his father's position in part of his will. His hon. friend had said that he could not be elected for Colchester, whereas, they had carried Colchester; in spite of all his hon. friend could do.

**Hon. Mr. TUPPER** felt it is his duty to repel the unjust and unfounded imputations cast by the hon. member for the County of Halifax (Mr. Jones) upon a body of gentlemen than whom he was bound to say their superiors did not sit in each branch of this Legislature. The hon. gentleman had undertaken to say that gentlemen who were recommended for the Senate by the Government of which he (Hon. Mr. Tupper) had the honor to be the head, obtained those positions in a manner undeserving the high positions to which they were called. The hon. member knew that when the leader of the liberal Opposition in the lower House in Nova Scotia, following the dignified and exalted example which had been set them by the two great parties in old Canada, joined hands with him (Hon. Mr. Tupper) in endeavouring to accomplish the great question of the union of the Provinces, he (Hon. Mr. Tupper) adopted the same course in reference to the party with which they were connected as the First Minister of the Crown had stated he felt bound to adopt with regard to the great Liberal party of Canada. When the Senate was chosen the first thing done was to tender the twelve seats at the disposal of Nova Scotia to twelve members of the Legislative Council.

He would ask the hon. member how he dared utter the imputation in this House that he (Hon. Mr. Tupper) carried the union in the Legislature of Nova Scotia by the corrupt means which he had insinuated, while he was able to rise in his seat and say that of the two-thirds majority that carried that measure in Nova Scotia in the public assembly, not a man was offered a seat in the Senate, until all the twelve seats had been tendered to the members of the Legislative Council. Eight were accepted by those gentlemen, six of these at the nomination of the Liberal party.

The hon. gentleman has stated that these men were unworthy of the high position. Would he state to this House in the hearing of the gentlemen in the Senate, that Sir Edward Kenny was unworthy of his position? He (Sir Edward Kenny) was an Irish Roman Catholic who by his industry, talent, and his manly conduct in every position in life, had raised himself to the position of one of the first merchants in the Province. He was a gentleman who commanded the undivided respect and confidence of men of all classes. He had filled the high and honourable position of President of the Legislative Council, for a long series of years in Nova Scotia, and when called to the Senate it was felt by all that no man in the length and breadth of Nova Scotia was more deserving of high position. John H. Anderson was another Senator who had done credit to himself and country. After long and laborious service in the Legislature, and having attained a position as one of the first



April 29, 1872

merchants in the country, he went down to his grave honoured and respected by all. He was another of the gentlemen upon whose memory this disgraceful and uncalled for imputation is now cast by the member for Halifax (Mr. Jones). The Hon. T. D. Archibald was one of the foremost men in the country. A gentleman who dignified the seat which he filled, who still had held not only a seat in the Legislative Council, but who had been honored by the confidence of a large majority of the people of the country, and had occupied the position of an executive councillor. Mr. Weir had also passed away. He was, as the hon. gentleman knew, one of the most enterprising merchants that Nova Scotia ever had, and had represented several constituencies in the Province. And yet this gentleman who had received the confidence of county after county, and who had been held in high estimation by all classes must also have his memory vilified as far as it was in the power of the hon. member for Halifax to do so. Mr. Miller was another. He was a Roman Catholic gentleman, second to no man of his creed and class in Nova Scotia in point of talent. He possessed the confidence of the country, and the imputation that he purchased his seat in the Senate by the support that he gave to Confederation was as unfounded a statement as ever passed the mouth of man. He (Mr. Miller), representing one of the constituencies of Nova Scotia, came forward in the interests of his country, and avowed in a manly manner that he was himself convinced that the great measure which it is now known involved the prosperity of the whole Dominion was worthy of his support, and he gave that support without the slightest inducement of any kind.

Of all these gentlemen called to the Senate there was not one of them but who had enjoyed the confidence of constituencies in Nova Scotia, except Sir Edward Kenny, Mr. Dickey, and Mr. Archibald. He would not pursue the subject any further, but would merely say that the insinuations of the hon. member were entirely undeserved, and unworthy of him and the occasion.

The hon. member for Bothwell (Mr. Mills) had stated to the House that in Canada where it had been tried, he would ask the House if it had no significance that the men, not of one party, but of all parties, who met together at the Quebec Conference, and who had sat down and given full consideration to the best system for the government of the Country—men who had tried the elective system—should have resolved to go back to the nominative system. The hon. gentleman said that the people would have condemned that choice, but he gave no evidence. He knew that the men who framed this scheme were sustained by popular sentiment in the country at the elections which followed. The press of the country was silent on this point, and with such evidence as this we had a right to believe, until there was something more than a mere philosophical expression of sentiment to the contrary, that the system adopted was a wise one and in accordance with the wishes of the people. The hon. gentleman had expressed fears that the Senate would become too independent, and that as the Government could not increase their number they would get beyond control, and that the Government would not be able to get a majority in the Senate. He (Hon. Mr. Tupper) thought that this result would be more likely to follow the adoption of the elective system when there

would be two bodies chosen by the people, with co-ordinate powers, drawing their power from the people directly, and claiming the same privilege in reference to the initiation of money votes. He concurred with the hon. member for Lambton (Hon. Mr. Mackenzie), that after the discussion which had taken place the wisest course would be to withdraw the resolution, and not bring it forward again until there was some indication that the public sentiment of the country desired it. The people would shortly have an opportunity of saying whether this important function of the Crown had been entrusted to safe hands or not.

**Hon. Mr. McDougall (Lanark North)** asked what evidence had been adduced to show that a change of constitution was desired by the people. He thought that ought to be the first consideration. He thought the constitution had been a success, and was not aware that any part of the country desired a change. When the Quebec convention had been held he had advocated an elective principle in the Upper House, but the decision of the large majority of the delegates was against that view, and in favour of the nominative principle and the great advocate of that principle on that occasion was the political leader of the Opposition (Hon. Mr. Mackenzie). He was not disposed to make a change until the constitution had had a fair trial and until it was shown that the Senate was an obstruction, every man who wished well to his country would uphold the constitution. The Federal principle should be restrained and kept within proper bounds, and the Dominion House should represent the whole country, standing together, passing laws for the benefit of the whole country. He thought these theoretical questions should not be raised while there were so many practical matters to be dealt with.

**Mr. MILLS** was quite as sincere in his convictions and his desire for the public good as anyone. He believed that though the Quebec convention decided in favor of the nominative principle, the people at large held a different opinion. It had been said that no change should be made until the necessity arose, as was the case in England. Canada and England, however, were in very different cases, the constitution of Canada had not grown gradually and naturally as that of England had, and he thought it was not wise to wait for some calamity before making a change. Was there any propriety in giving a Province a number of representatives in the Senate to protect the interest of that Province and yet place the appointment of those representatives in the hands of the Government, which might be in antagonism with that Province?

Hon. gentlemen opposite had upheld the high standing of the Senate and yet in the beginning they had been compelled to come to the House of Commons for a Speaker. Why should the Speaker of the Senate be appointed by the Crown, while the Commons appointed their own Speaker? In the framing of the constitution, that of England had been copied instead of being adapted to the different circumstances of Canada. He referred to the Speech of the member for Lanark North (Hon. Mr. McDougall) at Hamilton which had been stated to be in favor of annexation. He believed that if ever there were a change it would be in the direction of a closer change with the Mother Country, and that a state of independence



under the circumstance would be the weakest possible position. If the member for Lanark North could talk on such an agitating subject, why should not he (Mr. Mills) advocate a constitutional change which he believed would be of great benefit to the country? He withdrew his resolution.

**Hon. Mr. MACKENZIE** referred to his statement respecting the Government having outraged the Constitution, and he now desired to state his reason for that remark, about which the Minister of Justice (Hon. Sir John A. Macdonald), not now in the House, had taken him to task. He stated that two sessions ago the Government had appointed Mr. McLennan to the Senate, so that he might retain a salary of \$3,000 as Intercolonial Railway Commissioner, and that the Constitution was outraged and the privileges of the Senate violated by the appointment. It was with great pain that the occurrences of the last few years had compelled him to modify his opinions. He referred to the speech of the hon. Mr. Dunkin at Quebec, pointing to some other mode of appointments to the Senate than that now in force and stated that he still believed the two Houses should be constituted differently and only modified that opinion because Government had not properly carried the theory into practice. He maintained that so far from the people being altogether in favour of the nominative principle, he had found, in the course of his numerous meetings at the time of Confederation that they were very generally opposed to it.

**Hon. Mr. CHAUVEAU** referred to the statement of the member

for Lanark North (Hon. Mr. McDougall) and denied that there had been any outrage in a simple appointment to the Senate.

**Hon. Mr. MACKENZIE** said that it was never intended that the Senate should be for placemen.

**Hon. Mr. CHAUVEAU** said there was no law to prevent the appointment of place holders to the Senate. Referring to the elective and nominative principles he said it was generally agreed at the Convention that the rights of the people would be best protected by having the Upper Chamber nominated. He did not think the hon. member for Lambton (Hon. Mr. Mackenzie) had made out any ground for the grave charge he had brought against the Government.

The motion was then withdrawn.

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#### COMMITTEE OF SUPPLY

**Hon. Sir FRANCIS HINCKS** then moved the House into Committee of Supply and several unopposed resolutions were passed.

The House adjourned at 11.40 p.m.

April 30, 1872

## HOUSE OF COMMONS

Tuesday, April 30, 1872

The **SPEAKER** took the chair at 3 p.m.

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*Prayers*

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### ROUTINE BUSINESS

**Mr. MACFARLANE** presented the report on Standing Orders.

Several petitions were presented and read.

**Mr. MACFARLANE** moved, seconded by **Mr. BOWN**, that the time for receiving private bills should be extended to the 6th of June, and petitions to the 16th of May.

**Hon. Mr. CHAUVEAU** moved to introduce a Bill founded on the petition of D.R. Archer for obtaining a patent with reference to a knitting machine and loom.

**Hon. Mr. MACKENZIE** thought that the measure of the Government, in the regard to patents would supersede any necessity for this Bill.

**Hon. Mr. POPE** said he would introduce a Bill to amend the Patent Act on Friday.

**Mr. BOWN** introduced a Bill to incorporate the North Western Railway of Manitoba.

**Mr. SHANLY** moved for leave to bring a Bill for an Act to incorporate the St. Lawrence International Bridge Company of Manitoba.

**Mr. SHANLY** moved for leave to bring in a Bill for an Act to incorporate the St. Lawrence International Bridge Company.

**Mr. GRANT** moved for leave to introduce a Bill to incorporate the Canadian Pacific Railway Company.

**Mr. MORRISON (Niagara)** moved for leave to introduce a Bill to incorporate the Interoceanic Railway Company of Canada.—Referred to Committee on Railway.

**Mr. BOWN** moved for leave to incorporate the Central Railway Company of Manitoba.

**Hon. Sir GEORGE-É. CARTIER** moved for leave to introduce a bill to incorporate Montreal Grand Trunk and Lake Champlain Railroad Co.

**Mr. MAGILL** moved for an Act to amend the Act incorporating the Mutual Life Assurance Company of Canada.

**Mr. KIRKPATRICK** moved for an Act to incorporate the Marine and Fire Insurance Company of Canada.

**Hon. Sir FRANCIS HINCKS** presented two messages from His Excellency, signed by himself—concerning Supplementary Estimates.

**Hon. Sir FRANCIS HINCKS** moved that these Messages of His Excellency the Governor General, be referred to a Committee of the Whole House.

**Hon. Sir JOHN A. MACDONALD** laid upon the table papers relating to the seizure of the *C.H. Horton*.

**Hon. Mr. LANGEVIN** submitted papers relative to the Miramichi bridge.

**Hon. Mr. MACKENZIE** stated that the papers relative to the St. Clair Flats Canal had not yet been brought down.

**Hon. Sir JOHN A. MACDONALD** asked leave to introduce a Bill to give effect to certain articles of the Washington Treaty.

**Hon. Mr. MACKENZIE** wanted some explanation.

**Hon. Sir JOHN A. MACDONALD** said that he was merely moving to have the matter put upon the Orders of the Day.

**Hon. Mr. MACKENZIE** said it would necessitate on the part of the Opposition some action which would produce discussion.

**Hon. Sir JOHN A. MACDONALD** withdrew his motion.

**Hon. Sir FRANCIS HINCKS** in moving the House into the Committee of Ways and Means, said:

Mr. Speaker, I propose to follow on this occasion the course suggested last year by the hon. member for Châteauguay (**Hon. Mr. Holton**), and to make the financial statement, which it is my duty to submit to the House, while you, sir, are in the chair, upon motion to go into Committee, instead of following the former practice of making that statement while the House is in Committee.



As there are several new members in the House, whose presence we all hail with satisfaction, I think it proper to state on the present occasion, that owing to the time at which the fiscal year terminates, it is necessary to take into consideration the revenue and expenditure of three fiscal years, viz., the year which terminated on the 30th June last, the year now coming near to a close, the results of which can be calculated with tolerable accuracy, and the year for the services of which we are able to ask the House for supplies.

I think I may also on this occasion, for the information particularly of new members, make a few remarks with regard to the state of the public debt. An hon. member for this House—indeed, one of the new members—in course of conversation a few days ago, was quite astonished to hear the small amount of the debt, having been under the impression it was much larger. I told him that in round numbers it amounted to about \$80,000,000.

The last statement showed that on the 30th June last, the actual net debt was \$77,706,517, but as there were a number of assets, some of which might not be worth par, I may be safer in speaking of it as \$80,000,000. I may observe, also, with reference to the debt, that there is one feature of it which has caused every year an increase of the grown debt without causing an increase of interest payable on it. That increase arises from the non-settlement of the debt of the old Province of Canada, which has rendered it necessary to keep an open account with the Provinces of Quebec and Ontario, so that an item of about seven and a half millions of dollars appears on both sides—that is, as a debt and as an asset. It, however, involves no charge of interest whatever.

The auditor's report on the transactions of the last fiscal year and the appendices, will, I hope, be found to present the actual position of the debt and of the assets in a clearer manner than in former years. The fact that the interest received on the assets is about 20 per cent on the interest paid, must be considered ample proof of their value.

The statements regarding the capital expenditure since Confederation must be considered most satisfactory. From them it will appear that during the four years since Confederation there was expended on the Intercolonial Railway, on the purchase of the North West Territory and expenditure consequent thereon, for which loans were specially authorized, \$7,268,698; also against Public Works chargeable against capital, by authority of Parliament, \$1,130,885. From this latter sum, however, an amount was transferred to the Consolidated Fund Revenue account by my direction, because exception was taken in the Committee of Public Accounts, to some items as improper charges against capital.

These items amounted to \$317,580.12, reducing the expenditure on Public Works chargeable against capital, to \$813,205, which, added to \$7,268,698 gives \$8,081,903 as the expenditure on capital account, while the total increase of debt since Confederation has been only \$1,977,776, so that \$6,104,027.58 has been expended out of our current revenue on important public works, and in the acquisition of the North West Territory.

I may add, though, that of that large amount, no less than \$3,640,248.19 was expended in the year 1870-71; the net debt has decreased for the first time in the history of the country, by \$503,224. (*Hear, hear.*)

I may take the opportunity of calling attention to one item among the assets which may possibly tend to relieve the mind of my hon. friend from Lennox (Mr. Cartwright), who has on more than one occasion, expressed apprehensions of embarrassment from our large Savings Banks deposits, which I am happy to say now amount in all the Provinces, to about four and a half millions.

There is held in London \$1,362,666 in 5 per cent Canada bonds, especially on Savings Bank account. As these bonds could be turned into money at any moment and drawn against, and as they are above 25 per cent of the aggregate Savings Bank deposits, I should imagine that no alarm need be felt on that account.

I will now refer, and I hope for the last time, to the attacks made on the Government on account of the policy of my predecessor (Sir John Rose) with reference to the investment of the proceeds of the first half of the Intercolonial Railway Loan. On the 1st of July, 1869, we held in Exchequer Bills \$6,575,410.03, or in the other words, the Consolidated Revenue was indebted that amount to the Railway Commissioner. On 1st July, 1870, the Exchequer Bills were reduced to \$2,224,353, and on 1st July, 1871, there were no Exchequer Bills, but on the contrary the Consolidated Fund was largely in advance to the railway account.

Of course this amount is changing day after day, but always in the direction of increased indebtedness to the Consolidated Fund. The last statement I have had was up to the 16th of this month when we had paid \$8,612,492 on that account leaving only \$1,120,841 of the amount raised, being the half of the whole loan.

We have in deposit in the Bank of Montreal on Intercolonial Railway account bearing interest, \$4,500,000, so that the Intercolonial Railway owes the Consolidated Fund \$3,379,159. Again we have in London \$3,000,000, or to speak more correctly, £600,000 sterling in Imperial Guaranteed Bonds and Canada 5 per cents, half of each issued on North West account, which we can place in the market at any moment that we please, and in addition to these amounts we have about one million of dollars in Bank deposit receipts bearing interest. I hold therefore that our financial position is impregnable. (*Hear, hear.*)

I shall now proceed to the consideration of the accounts of the year which terminated on 30th June, 1872. In the Estimates of last year, as submitted by me, I anticipated an aggregate revenue of \$17,360,000. The actual result has been a revenue of \$19,335,560.81 or an excess of revenue of \$1,975,560.81.

On the other hand, the actual expenditure has been only \$15,623,081.72, so that the aggregate surplus on the year is \$3,712,479.09. As I am well aware that I may reasonably expect

April 30, 1872

criticism from the hon. gentlemen opposite, and have no desire to shrink from it, I will anticipate the charge that my estimates of revenue have turned out wholly unreliable.

I readily admit that such has been the case, but I have very high authority, no less than that of the distinguished statesman who is Chancellor of the Exchequer in England for maintaining that it would be most unsafe for a Minister to make a mere speculative estimate, and to ignore that furnished by officers whose special duty it is to make themselves acquainted with facts.

The gentleman to whom I refer was placed in rather an embarrassing position inasmuch as he had in a previous year made too low an estimate of revenue by something like £2,000,000 sterling, and had, in order to meet the anticipated deficiency, put on an income tax against the remonstrances of some gentlemen in the House who told him his estimate was a great deal too low. It turned out as they stated and next year he had to come down and admit that the gentlemen who had criticized his estimates were more correct than he was. He thus certainly found himself in an embarrassing position, one much more embarrassing than I put myself in, as last year when I stated my expectations of revenue the hon. member for Sherbrooke (Hon. Sir A.T. Galt) admitted that they were reasonable and no exception was taken to them.

I will say, moreover, that erroneous calculations in estimates are of far less importance in Canada than in England. In England, as we all know, there is an enormous public debt of £750,000,000 sterling, which was contracted ages ago for the Defence of the country, and handed down from generation to generation. Public opinion in England has long since settled down against making any attempt to reduce the capital of that debt.

It is considered that the people should not be taxed beyond the amount necessary to pay the interest and the ordinary expenses of Government. It is to be recollected that our debt is not contracted for such purposes as the debt of England is contracted, but for objects which will be more beneficial to the generations to follow us (*Hear, hear*), than they are to us. If I had anticipated that the result would have been as it has turned out, I would not have been prepared to come forward under the circumstances to propose any further reduction of taxation.

It will be recollected that last year we reduced taxation by the abolition of the 5 per cent duty equal to about \$500,000 and that afterwards at the instance of the House, without doubt from the pressure of the House, we had to take off other duties which might be estimated at \$300,000 making a reduction of taxation during that year of no less than \$800,000.

I desire to explain the chief items in which the revenue is in excess. In order to do this satisfactorily, I must eliminate the amounts received on account of new duties imposed in 1870. These duties in the year ending 30th June, 1871, amounted to \$640,778, and deducting this amount from the aggregate revenue of \$11,843,655 we have a revenue of \$11,202,877.

Making the same deductions in 1870 we have a revenue of \$9,277,489.69. There were some alterations made in the Customs tariff in 1870 that were not included in the reductions of 1871. There was additional duty on wine, tobacco, cigars, rice, hops, and one or two other articles, but they are not of great importance, though it is not desirable to lose sight of them as they have added a little to the revenue.

The excess of 1871 over 1870 was \$1,925,387.35. It will be obvious that considering the very great number of articles upon which the revenue is raised, being chiefly on articles which came under the 15 per cent duty, it would be perfectly impossible to go into any minute detail with regard to those items. I will, however, observe that out of this \$1,925,387.35 there was a gain on nineteen leading articles of \$1,543,637.45. Then, if you compare 1871 with 1869, the excess on the 19 leading articles was \$2,474,190. I will state what these articles principally are:

Spirits gave in		
	1869	\$810,019
	1870	\$901,547
	1871	\$1,024,287
Cigars gave in		
	1869	\$37,126
	1870	\$55,372
	1871	\$108,115
Tea gave in		
	1869	\$916,177
	1870	\$1,140,648
	1871	\$1,157,315
Wine gave in		
	1869	\$129,178
	1870	\$170,547
	1871	\$195,181
Sugar cane juice and molasses in		
	1869	\$1,476,531
	1870	\$1,846,774
	1871	\$1,933,154



## Cotton goods in

upon such an increase.

1869	\$1,107,003
1870	\$1,100,998
1871	\$1,361,579

With regard to the savings upon expenditure, it will be found that, as usual, the principal saving is under the head of Public Works. There is always great difficulty in estimating, with anything like exactness the amount that can be expended in a year, and I have no doubt that my hon. colleague, the Minister of Public Works (Hon. Mr. Langevin), will endorse the statement made a few weeks ago by the same distinguished statesman to whom I have before referred, on this point.

## Woollens in

1869	\$1,008,382
1870	\$1,045,287
1871	\$1,457,476

When accounting for deficiency of expenditure, he said, "it was chiefly due to buildings the expenditure on which is necessarily very uncertain. A number of things prevent us going on with buildings as fast as we expect, all sorts of obstacles must arise."

## Iron and Hardware in

1869	\$319,725
1870	\$354,934
1871	\$466,525

The charges on revenue were \$165,000 less than the estimate, and the Militia expenditure, \$160,000. I need not go further into the minor items, as they will all be found in detail in the Public Accounts.

## Silks and Satins in

1869	\$158,568
1870	\$192,185
1871	\$305,995

I now come to the consideration of the revenue for the current year, and it is satisfactory to be able to state that notwithstanding the reductions of last year, which we may assume at about \$800,000, the revenue will be in excess of the last, even making allowance for British Columbia.

I estimated the Customs revenue at ten millions, which I considered at the time a very full estimate. It will reach \$12,500,000. When I state that, notwithstanding the great increase of 1871 over 1870, the increase in 1872 will be \$220,000 in woollens, \$130,000 in cotton, \$25,000 in wines, \$75,000 in spirits, it may be expected that when British Columbia is added, that we have made a safe calculation.

I will not weary the House with further details, but under the 19 heads of revenue the collections were—

In	1869	\$6,827,754
In	1870	\$7,758,308
In	1871	\$9,301,915

The Inland Revenue will give \$250,000 above the estimate; the Public Works, \$200,000; Post Office, \$80,000; Stamps, \$40,000; Miscellaneous, \$150,000; or in round numbers, \$3,240,000 above the estimate; giving an aggregate revenue for the current year of \$20,050,000. (*Hear, hear.*)

I may state that considerably more than one half of our customs revenue is derived from 5 sources, viz., spirits, tea, sugar molasses, cotton and woollen manufactures and that those articles gave—

In	1869	\$5,318,114
In	1870	\$6,035,256
In	1871	\$6,933,382

It is satisfactory to say that not only in the Customs and Excise, but in all branches there has been an increase. In the statement which was submitted to the House of the expenditure up to the latest moment for which the return could be made, the 31st March last, it will be found that there was an expenditure up to that time of \$11,620,695. The estimated expenditure to the close of the year is not likely to exceed \$4,874,838, giving \$16,495,533 for the whole year.

To this must be added the supplementary estimate for the current year which I have laid on the table, which will amount to \$438,999, chargeable against Revenue, and \$250,000 for the Pacific Survey.

As I said before, I readily admit that I would not have ventured to anticipate such increases as these, or to have come down to this House with an estimate calling upon them to vote money calculated

I may observe that of the charges against revenue in the statement sent down, the principal items are \$35,000 for Indian



April 30, 1872

annuities under recent treaties; \$50,000 for losses in Manitoba; \$70,000 for Surveys, and \$35,000 for the Manitoba Expeditionary Force.

The aggregate expenditure for the current year is not likely to exceed \$17,040,604, and I therefore venture to anticipate a surplus for the present year of \$3,115,467. (*Cheers.*)

I now come to the consideration of the revenue for the coming year, and it is satisfactory for one to be able to state that notwithstanding the deductions of last year, which may be assumed at about \$800,000, the revenue will be rather in excess of the last, even making allowance for British Columbia.

I need scarcely say I have consulted my colleagues the Ministers of Customs (Hon. Mr. Tilley) and Inland Revenue (Hon. Mr. Morris), who are at the head of the departments which furnish the bulk of the revenue. I feel I am justified in estimating Customs at \$12,500,000; Inland Revenue at \$4,625,000; Stamps at \$200,000; Post Office \$700,000; Railroads, Telegraph lines and Manitoba road \$1,030,000; Canals and other works, \$580,000; Miscellaneous, \$1,000,000; giving an aggregate revenue of \$20,630,000.

I shall refer very briefly to the Estimates. The aggregate amount is \$29,675,460, but from this must be deducted the amount required to meet reduction of debt, \$92,234 and expenditure on proposed public works, amounting in the aggregate to \$10,042,734, leaving estimates chargeable against Consolidated Revenue Fund 19,632,726 dollars.

I might, therefore, fairly contemplate a surplus next year of about one million, were it not that my experience leads me to anticipate Supplementary Estimates, which I hope, however, will not be excessive.

I do not intend to comment at any length on the Estimates. I feel assured that they will be scrutinized with great care by gentlemen opposite. I do not wish to enter into details with respect to items, because my hon. friends at the heads of departments, who have brought forward estimates and are more particularly responsible for them, will be prepared to vindicate them better than I can do; but at the same time I would remind the House that for many years, when the revenue was scarcely sufficient to meet the expenditure absolutely necessary, a great part of the public service was literally starved.

It is now a fitting time when our finances are in a more prosperous condition, to come forward to erect those necessary public buildings which in various parts of the Dominion are absolutely essential. (*Hear.*)

The Public Works estimate may appear large by comparison of the aggregate amount with former years, and it may be admitted that if any difficulty should arise many buildings and works might be postponed, but I hope and believe that the House will concur

with the Government in thinking that when the revenue is sufficient to meet the charges upon it, they ought to seize the opportunity of erecting buildings very much required for the public service.

There is another point to which I wish to refer. In the estimates for Public Works are included a number of items which, though charged against the current revenue of the year, will produce an income and entail no burden on the country, such as harbours and other works. The lighthouse service is no doubt a heavy charge, but it must be borne in mind, that every individual in the country is interested in this service by which the navigation is improved. We are competing for the trade of the Great West, and cannot succeed if we neglect what is essential to success. The Gulf and River St. Lawrence has had a bad name in days gone by. Insurance rates were high, and freights, of course, high in proportion.

My hon. colleague the Minister of Fisheries (Hon. Senator Mitchell), is thoroughly alive to the wants of the trade, and I can state from my own knowledge that several of his proposed works would have been in former estimates, but that we did not think it right to increase that branch of the expenditure too much. The Minister of Agriculture (Hon. Mr. Pope) has also made large demands, but I believe there is no expenditure more likely to be reproductive than that which is incurred for the promotion of immigration. My hon. friend has entered into his work with zeal and energy, and he will be able no doubt to account for the expenditure in a manner satisfactory to the House. (*Cheers.*)

I feel that I would not discharge my duty on the present occasion if I were to abstain altogether from entering into the subject of the very large prospective demand for Public Works, and its bearing on the public revenue and expenditure. It would be a dereliction of duty in a Minister of Finance to abstain from all reference to a contemplated expenditure of no less than forty million dollars, involving an addition of fifty per cent to our debt.

I own, however, that I approach this subject with some hesitation and reluctance, owing to my unwillingness to make any reference in a financial statement to a question of the gravest political importance, which has not yet been discussed in the House. I refer, of course, to the Treaty of Washington, but especially to the arrangement made with the Imperial Government for an Imperial guarantee for a portion of our anticipated loan.

I shall endeavour as far as possible to avoid discussing those branches of the question which have no bearing on Finance, but I cannot, entertaining the views which I do, avoid submitting them for the candid consideration of the House on this occasion.

It is now apparent to the House and the public, that Imperial and Canadian Governments were not for many months in a state of accord on the subject of the Treaty of Washington. I have no doubt that we on this side have been charged in England with great selfishness, with utter disregard of any interest but our own, while on the other hand, we have been inclined to think the Imperial

Government and the people of England generally have shown little zeal in the defence of our rights.

I have always thought it exceedingly unfortunate that our fishery disputes were mixed up with the settlement of important Imperial questions, which were the principal object of the Washington Treaty. (*Cheers.*) I am bound to say that I, with others, felt deep regret when the First Minister was invited to sit on the Commission at Washington. But whilst feeling that regret I had no doubt whatever that it was absolutely impossible for him, in the interests of the country to take any other course than to accept that position. A refusal to serve would have been taking grave responsibility while in accepting the position he ran the risk of giving dissatisfaction to many of his countrymen.

I shall not dwell on this branch of the question. I want to approach the financial branch of it. We are charged day after day with selling our rights for a mess of pottage, (*Cheers from the Opposition*), and no efforts have been spared to depreciate the value of the concession which has been made to us. It ought not to be lost sight of that England had a very considerable interest in the settlement of this dispute about the fisheries and it is a mistake to suppose it is exclusively a Canadian question. What would our fisheries be worth without the protection of England, and we know perfectly well that England had to employ a very considerable force year after year for their protection and further that there has been constant danger of collisions that might have led to very serious consequences.

It is also well known that trespassers on our fishing grounds have been taught by men of considerable political influence that they have a perfect right to fish in our waters and that they ought to enforce this right in any way possible. We cannot pretend to maintain that England exceeded her strictly constitutional powers. She made a treaty which required the ratification of Canada in all points which affected Canadian interests and this Parliament is free to accept or reject the arrangement which has been entered into.

What, however, should be constantly borne in mind is that by rejecting the treaty Canada would have placed herself in antagonism not to members of the present Government alone, but to all leading statesmen in England. Prior to the question of consequential damages arising, all parties in England had accepted the treaty with satisfaction. Had we refused to recommend the necessary legislation, what would have been our position? We should have placed ourselves in the position of refusing to accept an arrangement which England considered just, and we should have thereby increased the irritation which has long existed amongst the fishermen of the United States.

Under such circumstances, is it certain that English public opinion would have sanctioned further protection of our fisheries? And had England declined to send a naval force, would not there be increased aggressions by United States fishermen? Can it be possible that the opponents of the Treaty have considered the possible consequences of a refusal to carry it out, especially as its most prominent opponents are loud in their professions of

attachment to British connection?

I own that from the time that the treaty was ratified I felt that Canada was subjected to a pressure, which I deplored, but from which there was no escape. It was, in the judgment of the Government most desirable to avoid any misunderstanding with England, but at the same time to state frankly and boldly our grounds of complaint. We have been told of late that no question of money should have been introduced into the discussion. I am at a loss to know how the Fenian claims could have been settled without pecuniary compensation in some way direct or indirect. (*Hear.*)

But it is now said that an Imperial guarantee is of little value. The idea of asking money as a bribe was never thought of, but there was a claim on some one for Fenian losses and the Imperial Government recognized the fact that they had incurred a responsibility to Canada on that account. True, the admission was very guarded, and it is very doubtful whether any amount worth consideration could have been obtained.

At all events the Dominion government had not the slightest doubt that the best mode of settling these claims was by guarantee, and they deemed it expedient to announce their intention of proposing the measures necessary to give effect to the treaty concurrently with the proposal for a guarantee.

Now it is with reference to the value of the guarantee not only in itself, but also as a means of securing the construction of our great public works, that I desire to speak. I wish, in the first place, to endeavor to remove the misapprehension that prevails very generally as to the reduction of the amount proposed by us. Justice has not been done to England, simply because circumstances wholly unforeseen prevented an arrangement that would have been quite satisfactory.

It is possible that some may have thought that we would get the four millions without any difficulty. For my own part I never imagined we would get a guarantee of four millions in addition to the fortification guarantee. I knew that one member of the Imperial Parliament had given it as his opinion that the fortification guarantee would, if Canada desired it, be transferred to Public Works.

I do not know what others may have thought, some of my colleagues may have thought that we would get the four millions and the fortification loan also, and my hon. friend, the Secretary of State for the Provinces (Hon. Mr. Howe), no doubt imagined that we should get nothing at all. His dissatisfaction was very great, and I own that I would have felt a great deal more dissatisfaction than I ever have done, if I had imagined it possible that the proposition we made would have received an unfavourable reply. Under the circumstances we have no right to complain of the reply, no right whatever.

With reference to the question of fortifications I may observe, and I say it, because I know there are some that even yet suppose it would be desirable to erect fortifications, that it makes no



April 30, 1872

difference whatever whether the money is for public works or fortifications. If the causes of misunderstanding between Great Britain and the United States should happily be removed, as we all hope they will be, there would be grave objections to the erection of fortifications, just after the establishment of friendly relations. If at any future time fortifications should be required, they would have to be built with our own means. (*Hear, hear.*)

I have said that while the negotiations were going on, circumstances occurred that rendered it simply impossible that either on the one side or the other, the question of fortifications should be touched. I believe that all parties in this House, as well as throughout this Dominion, when this extraordinary demand for consequential damages arose, sympathised entirely with Great Britain. (*Hear, hear.*)

Well sir, as I am very sanguine, and every day makes me more sanguine, that the clouds by which the horizon has been overcast are disappearing, and that all the difficulty which has unfortunately existed will disappear, I have no doubt whatever that we shall eventually get the full amount we desire.

Now, sir, I come to the question of the value of this guarantee, and my own opinions differ most widely from any that I have seen in the public newspapers which ordinarily support the present Government. I wish to give expression to my own convictions, and, I say, without hesitation that I do not believe there is a loan contractor in Europe or America who would not say that the view I take is correct.

Sir, I say it is a complete fallacy to imagine that because at the present time our five per cent debentures and stock are at par, and occasionally over par, when we have had no issue of those debentures for some years, and we ourselves have been large customers in the market, buying them up for the sinking fund, that if we put \$40,000,000, 50 per cent of our debt into the market we could obtain that amount at 5 per cent. We could not do it, and I say unhesitatingly that if we attempted to float a loan to that extent, we should do uncommonly well if we obtained it at six per cent.

I ask what would be the state of English credit, great as it is, if Great Britain asked a loan of something like £400,000,000 sterling, or half her present debt. Hon. gentlemen on the other side must recollect that the customers for Canadian securities are a very limited class, and a very different class from those for English securities or United States securities, or the securities of the Great European States.

But if we went into the market for \$40,000,000, one half our own, and the other half guaranteed by England, and with the prestige that England sanctioned our great public improvements, the advantage would be very great, so much so that I am persuaded that under those circumstances we should get our 5 per cent bonds floated at par, and therefore we should be able to float half at 4 per cent, and the other half at 5 per cent, or equal to 4-1/2 on the whole amount. This would

therefore make a difference of 1-1/2 per cent on the whole amount of \$40,000,000, equal to \$600,000 a year.

I ask whether that is not a desirable arrangement, and whether it is not infinitely better than negotiating a Bill for Fenian claims, and encountering the danger of irritation on both sides, which must arise in the settlement of disputed claims. Well, sir, I admit that exception may be taken to this calculation on the ground that I base my statement on getting £4,000,000 but though my own opinion is strong on that point, I maintain that even with the £2,500,000 we have made an infinitely better arrangement than we could have done in any other way.

According to my calculations I estimate that the total charge incurred as interest on the new debt necessary to construct our great public works, including 1/2 per cent for the sinking fund, will be two million dollars. I must not lose sight of the fact, however that the first estimate for the Pacific Railway was \$25,000,000 which was a mere approximate estimate based on an assumed mileage, and that it may have to be increased to \$30,000,000, and taking that increase and the balance of the Intercolonial Loan and other items into consideration, it is safe to calculate that the whole amount of contemplated expenditure will give an increased charge of three million dollars.

It must, however, be borne in mind that the great improvements of the public works and canals would considerably increase the revenue from those sources. In undertaking works of such considerable magnitude, it is important to see what is the state of the increase of the commerce of the country.

Now, sir, that increase is really wonderful. In 1869, our total exports were \$49,320,000, while in 1871 they were \$55,151,000. The aggregate of exports and imports in 1869 was \$116,725,000; in 1871, \$142,098,000, or an increase of nearly 22 per cent. And when we come to the details of the exports, we find them most satisfactory.

The produce of the mines has increased from \$2,093,000 to \$3,221,000; of fish from \$3,242,000 to \$3,994,000; of produce of the forest, from \$19,838,000 to \$22,352,000; of animals and their products, from \$8,769,000 to \$12,582,000, the latter chiefly owing to an enormous increase of exports of butter and cheese.

There was a falling off in the exports of agricultural products to the extent of nearly four millions as compared with 1870, and nearly two and a half millions as compared with 1869. This no doubt was to some extent caused by the wheat and flour duties, as while American flour was admitted into Canada free, it was largely consumed in Canada, thus setting a corresponding portion of Canadian flour free to be exported, but when a duty was imposed, the Canadian flour was more largely consumed at home.



Then the great increase in the produce of the forests from 19 to 22 millions must be borne in mind, for those branches of industry were very large consumers indeed of the products of the country, and so would tend to diminish the exports. The enormous increase in the exports of butter and cheese seems to indicate that the farmers are turning their attention more to dairy farming than to raising wheat.

In offering an opinion however, on such subjects, I do it with the greatest possible diffidence, and rather with a view to elicit information from those much better informed than I can pretend to be. It is very satisfactory to know that the exports of our manufactures are increasing,—in two years there has been an increase of 25 per cent. A large proportion of the increase consists of sugar boxes which are exported to the West Indies.

There is also another article which has made most wonderful progress during the last two years, I refer to sewing machines. Of these the value of exports were \$170,000 in 1871; \$116,000 in 1870; and only \$60,000 in 1869. There was therefore an enormous increase in the two years. There is but one other branch of our export trade to which I shall refer, those articles which are not the produce of the Dominion. These have increased from \$3,855,000 in 1869 to \$9,853,005 in 1871. This is a most important fact, proving as it does the rapid increase of the carrying trade of the St. Lawrence.

**Hon. Mr. MACKENZIE:** What are the most important items of the increase?

**Hon. Sir FRANCIS HINCKS:** I have not charged my memory with these items, but I imagine that iron was one very important item, railway iron, I should say.

After the statements which I have made with respect to the charges that may be anticipated upon the revenue, for public works, in the course of my explanation, I think that all must admit that it would be very dangerous to reduce the taxation, and we have no measures in this direction to propose, excepting a proposition to be made by the Hon. Minister of Agriculture (Hon. Mr. Pope) to take off the capitation tax. This had amounted to under \$40,000 last year, and I have made allowance for it in my miscellaneous estimate.

I am very far from saying that the tariff is a perfect one or that changes might not be made in it with advantage to the mercantile community, but I think that the present would be a most inconvenient time to touch it. You must recollect that the Congress of the United States is in the act of considering changes in their tariff, and severe losses have been sustained by persons in trade owing to the fact of their not knowing of the changes likely to be made. I am told that the tea duties are to be repealed, but I really do not know what to expect. Already the Senate and the House of Representatives have passed bills to exempt tea from all duty. Notwithstanding this it is still doubtful whether any Bill regarding the tariff will pass this Session.

I do not hesitate, however, to state that if the duties on tea are taken off in the United States, we must make some readjustment of our tariff, and in the face of the free importation of tea from the United States, we should have to abandon a revenue of something like a million, which we now derive from this source. Under these circumstances we have thought it better not to meddle with the tariff now, although there are several ameliorations in the interest of our manufacturers that should be taken into consideration as early as possible.

Last year I took occasion to inform this House that Canada had risen in the scale of countries having commercial transactions with Great Britain from the eleventh to the eighth place, and it now is satisfactory to state that she has arrived at the sixth place, (*Hear, hear*), and that with the exception of the Netherlands, there is no country which takes so much of English goods, in proportion to her population, as Canada. With regard to the Netherlands I have been told that a considerable amount of her imports are re-exported.

But if we look to other countries in the highest rank we shall find that Canada takes three times as much per capita as the United States, four times as much as Germany, five times as much as France, twenty times as much as British India, while China and Russia, although the quantities are large, are quite insignificant looking to their population.

Now, Sir, I hold that looking at the prosperity of this country, and the vast increase which has taken place in commerce since the Confederation, as indicated by the deposits in the savings banks, the increase in railways, etc., it seems to me amazing that there should be a single individual who would desire to change the condition of the country. This is a subject which may be considered as irrelevant to a financial statement, and I should not have alluded to it were it not a fact that most of those persons who are dissatisfied with the institutions of our country are so from dissatisfaction at our not having the power to make commercial treaties. I know that the great bulk of them are extreme protectionists, and the object which they have in view is to endeavour to place our trade relations upon a different basis; which it would be impossible to do so long as we continue our present relations towards the Crown. There is an idea that if we were independent we might enter into more intimate trade relations upon a different basis; which it would be impossible to do so long as we continue our present relations towards the Crown. There is an idea that if we were independent we might enter into more intimate trade relations with the United States, agree to a Zollverein, by which the goods of each country should be protected by a high tariff on foreign goods, and the complaint is that while we continue in connection with England, we have no power to make Treaties with foreign powers.

All I can say is that we have the power to get every reasonable request that we can make urged with all the power of England; and I need hardly say that that would give us far greater power than we would have if we were independent. We could not expect that England would consent to a tariff that would put the manufacturers of England in a worse position in our market than the manufacturers of the United States, and the knowledge of this fact has led some

April 30, 1872

extreme protectionists to desire independence as the only means of accomplishing their object.

It seems strange, however, that it has not occurred to those persons that under the commercial treaty in existence between England and the United States and which provides that the manufacturers of England shall be admitted to the United States on the same terms as those of the most favored nations, it would be impossible for the United States to enter into such an arrangement with an independent State, and if this country were independent it would be necessary for her to enter into a commercial treaty with Great Britain which would contain a similar clause. The object then of the advocates of independence is unattainable by the means which they contemplate, and few of them, I hope, are inclined to recommend annexation, any agitation for which would, in my humble judgment, be neither more nor less than an agitation for a civil war.

I have now, Sir, completed my task, and I have to thank the House for the attention with which they have listened to me. (*Loud cheers.*)

**Hon. Mr. MACKENZIE** said that the speech of the hon. Minister of Finance (Hon. Sir Francis Hincks) necessarily called for some comment from his side of the House. They would recollect that last year the hon. gentleman had told them that the amount of debt which it would be necessary to incur in order to carry out the terms of the union with British Columbia would be \$25,000,000. He had increased it to \$30,000,000 a few days ago and now he stated \$40,000,000 as the sum for which we should have to make provision in the future.

**Hon. Sir FRANCIS HINCKS** said most unquestionably the total estimate for the extension and enlargement of the canals was \$15,000,000.

**Hon. Mr. MACKENZIE** said that the estimate could scarcely be considered at present, as there was no means of estimating its correctness. He referred to the loan of our millions sterling upon the Imperial guarantee, for which he (Hon. Sir Francis Hincks) assumed to himself and colleagues credit. He endeavored to make the House believe that Government had made on the whole a very good bargain, and that by some means the Imperial Government was to be coaxed into giving a guarantee for a million and a half more—which, for the present, they had declined.

He hoped no Canadian Ministry would ever again go on a begging expedition to the Imperial Government for any such purpose. He looked almost with loathing and disgust upon the course the Ministry had pursued, and upon the communications between the two Governments on this subject with the utmost possible humiliation. (*Cheers.*) Nothing had taken place in our history which had filled his mind with so much humiliation as this huckstering to obtain the small amount of money mentioned,—as a conciliation, too, for yielding up the opposition the Government pretended to have felt towards the Treaty. For some time they spoke

in strong, he would not say most offensive, terms to the British Government with regard to these claims, affecting our rights of property, and the Fenian outrages.

In insisting that the Fenian claims should have been considered in the Treaty of Washington in a different way from that observed, he would never have made the slightest reference, or if so, only the slightest, to money considerations; but he did feel humiliated as a Briton and a Canadian that, while the Americans were forcing the consideration of the Alabama claims on the British Government, we had not pressed our claims against them for offensive outrages upon our frontier people. He felt humiliated that the British and Canadian Governments should have yielded so tamely to the rejection of this as a legitimate subject for discussion and reparation, and for an apology on the part of the United States. It seemed to our Government as if the amount of money concerned was the chief consideration; and now we were asked to rejoice at the arrangement proposed by the Government, and to be submitted to the House in a few days whereby we obtained the Imperial guarantee for two and a half millions as payment for the loss incurred in the raids, and as some equivalent for the surrender of our territorial rights to the Fisheries.

Nothing had been said by the hon. gentleman as to the direct loss the Treaty otherwise involved. They all knew there was another claim this House would have to make good, which had not been referred to; but the discussion upon the Treaty could scarcely be said to be introduced today, although these remarks were necessarily precipitated from us by the course of hon. gentlemen in this matter.

He denied the accuracy of the Finance Minister's figures as to the value of the proposed guarantee. Assuming again by it, however, we had this huckstering for the sake of saving at the very outside about \$120,000 a year. A humiliation had been imposed upon us which he was quite sure the country would not submit to for twice that amount. We were able to pay our way, and interest on our debt, and to contract whatever debt we might require for national improvements, even if the Imperial Government should decline to aid us by guarantees. It was known they set their face against any; and in going to them for a four million guarantee and receiving the offer of one for two millions and a half, and seeing the hon. gentleman opposite say, "Its a bargain" then come here and ask the House to rejoice with the Government because they had succeeded in extorting in this way this miserable pittance from the Imperial Government,—he could not tell how much he felt humiliated over the transaction. (*Cheers and ironical cheers.*) He would not for the entire interest on our debt be placed in the wretched position in which the celebrated statesman opposite, and Government of which he was a member, had succeeded in placing the country.

The hon. gentleman who just sat down had referred to the mental trouble occasioned him by the freaks of the Secretary of State for the Provinces (Hon. Mr. Howe). His former colleague on this side of the House also came in for a share of this denunciation, and the Finance Minister had called on him, his colleague that was, and he supposed his colleague that was to be again, to retract the opinion



that some political change was necessary. He (Hon. Mr. Mackenzie) agreed with the hon. Minister that there was no necessity for the speeches delivered by those gentlemen; that in their prosperous circumstances of the country it was extremely to be regretted that a member of the Government and another distinguished member of the House, should have given utterance to views which would lead people abroad to the conclusion that Canadians were dissatisfied with their political relations and looked for an inevitable change as the only means of pleasing them in a satisfactory position.

Naturally, he thought very much like the hon. member for Bothwell (Mr. Mills) that any political change at present could only mean one thing, annexation to the United States. He reasoned not merely from a sentimental feeling of loyalty, but from high national considerations; and while he and others might have a theory that the republican form of government was the highest ideal of government, still we were practically republican in all our ideas and in our whole system of government. We enjoyed all its advantages, without suffering any of its disadvantages. (*Cheers.*) His earnest desire was that that condition should continue. If in course of years it might become evident that a change in the direction of independence would be desirable, no doubt it could be achieved without the effusion of one drop of blood, or the disturbance of any of our commercial relations. He agreed with the hon. gentleman opposite, also as to the extreme folly of public men in this country continuing to advance a system of commercial duties which would practically be a declaration of independence, but almost of offensive commercial warfare against England.

A Zollverein, moreover, would involve an immediate commercial relation with the United States that would practically be equivalent to a political connection and to a declaration to the people of the United Kingdom that we were determined to shut them out of our markets unless they travelled through the United States.

The Canadian Board of Trade delegates to the St. Louis convention took the right ground on that subject. Their speeches had the ring of the true national Canadian feeling, which he hoped made itself felt upon those who thought there was a class of Canadian public men desirous of reaching that end in some way or other. He would not discuss other points of the Treaty at present, or till the Premier introduced his measure. Upon a subject of such immense and material interests to the whole country a present discussion would be premature; and, had it not been for the remarks of the Finance Minister, he would not have touched upon the subject.

He did not agree with the hon. gentleman's course with regard to the surplus. With one this year of nearly four millions, and one anticipated for next year of three millions and a half, and a prospective surplus of a million and a half for this year following, he did not propose to effect any reduction of duties of articles where some relief might naturally be looked for.

He regretted this, because the hon. gentleman could not say there was any immediate expenditure of a serious kind to be apprehended

in connection with the works mentioned, that would call on him to provide so largely for interest on the coming debt. It would be time enough when that debt was to be created, that we should provide for the necessary interest. At present the surplus should be dealt with as one involving a necessary reduction of taxation to a greater or less extent. He admitted it would not be desirable, in view of financial obligations of a serious nature, to effect reductions that would obliterate entirely the surplus accruing this year and to accrue during coming year; but it was wrong to continue a system of taxation producing more than the country needed for its immediate wants.

With these remarks and awaiting the production of the figures for comments on the financial statement generally, he desired not to add anything further at present.

**Hon. Sir A.T. GALT** whilst regretting the introduction of extraneous matter into the Finance Minister's speech, joined in his congratulations upon the prosperous condition of the country. Having regard to large projected expenditure upon public works, he agreed it was well not to attempt at present any important fiscal changes. He could regard the present condition of the revenue as likely to continue permanently, although the projected outlay on works of a productive character might assist the revenue materially for some time to come. Still, the warnings of the past should make them cautious as to the future. He deprecated the partial introduction of the Treaty into this discussion. It was not fair to expect the House to press an opinion as to a proportion of that arrangement only.

He regretted the settlement of the Fenian claims was mixed up with the agreement come to as to the action of Canada with respect to the Treaty, as many persons whatever their feeling generally on that subject, would feel much mortified if their consent was attributed to money considerations. He did not see what the Minister's allusions to the opinions held by certain parties as to possible political changes in Canada's relation to the mother country had to do with the financial statement. He did not think those who entertained such views could be expected to regard recent events with much favour, and thought we should have been quite as well protected at Washington with a commissioner really responsible to us as we had been by those under the authority of the Imperial Government. He was not prepared to say our condition of dependence should always continue; but, so long as it lasted, he would do his duty as a loyal subject.

It might have been well if his (Hon. Sir A.T. Galt's) resolutions last year had been passed; but, if important sacrifices on our part were required, let them be made. He demurred, however, to being called a "protectionist."

**Hon. Sir FRANCIS HINCKS:** I assure you, my hon. friend, that he was not in my mind when I made that allusion.

**Hon. Mr. HOLTON:** The Finance Minister was referring to the Secretary for the Provinces, Hon. Mr. Howe. (*Laughter.*)

April 30, 1872

**Hon. Sir FRANCIS HINCKS:** I referred specially to persons who advocated a zollverein, and never imagined Hon. Sir A.T. Galt was one of them.

**Hon. Sir A.T. GALT** remarked that that was not the place for propounding merely speculative opinions. He did not often intrude his views upon the House, and did not desire to do so on that occasion.

**Hon. Mr. McDUGALL (Lanark North)** was sorry to hear the observations of the hon. gentleman opposite in announcing the policy to which the Government committed. He understood the hon. gentleman to say that it was utterly impossible for the United States to make arrangements with us for the introduction of commodities from that country on any better terms than from Great Britain. He thought then there should be some arrangement between this country and the United States for the interchange of certain articles of manufacture, such as stoves, agricultural and other machinery adopted to this country. We should be emancipated from such an arrangement as the present, and negotiations should be entered into with the Mother Country with a view to obtaining freedom in our commercial arrangements.

**Mr. JOLY** quoted from the Washington Treaty correspondence to show that the Government had not used every measure and exertion possible to obtain a renewal of the Reciprocity Treaty.

## AFTER RECESS

**Hon. Mr. BLAKE** referred to the remarks made by the Minister of Finance (Hon. Sir Francis Hincks) on the subject of the Washington Treaty, regretted that the First Minister who had taken part in the negotiations had not seen fit to explain the events connected with the making of the Treaty, but should have left it to the Minister of Finance to make a sort of apology for the concession made on behalf of Canada.

In looking at the financial aspect of the Treaty, he would preface his remarks by saying that he agreed with the hon. member for Lambton (Hon. Mr. Mackenzie) that it ought not to be a question of money at all and he fully agreed with the Ministers of the Crown when they told the Imperial Government that the principle of a money payment was repugnant to the people of Canada. But if it was to be treated as such—if we were to be told that a sufficient price had been paid, then it became material that the figures of the hon. gentleman should be correct.

He then entered into an examination of the figures to show that there would be no such difference between the annual charge payable under the guarantee, and that which would be paid if there were no guarantee. In any case it must be remembered, whether we borrowed under a guarantee or not, the country was pledged to repay the loan and interest, and it must be paid.

We had to consider also, that in carrying out the financial terms of the Treaty it would be necessary for Parliament to take steps to reimburse the Province of New Brunswick in the sum lost by reason of the repeal of the export duty on lumber. When that was done, it would be found to trench largely upon the profits from the guarantee. He had been told that a reasonable compensation for this loss would be \$100,000. However that might be, there could be no doubt that the people of New Brunswick would have to be dealt with fairly, and it would involve a very considerable annual charge. He maintained therefore that the real diminution would fall far short of the amount claimed by the hon. gentleman opposite, so that the rose-colored picture which the hon. gentleman had drawn this afternoon upon view of which we were called upon to sell our feelings and sacrifice our fisheries, was far from a truthful one. (*Hear, hear.*)

**Mr. CARTWRIGHT** deprecated the mixing up of matters connected with the Treaty in this discussion, the more so as the financial statement made this afternoon was one which all members ought to regard with great gratification. We were all aware that fears had been entertained, when the Confederation scheme was under discussion, that the financial arrangements were likely to be a source of danger to the young nationality, and he, for one, was glad to find that those apprehensions had been more or less frustrated by the extraordinary expansion which had lately attended the commerce and resources of the country. He considered that this was not due to the Government alone, although he was willing to admit that they were entitled to some credit, but that all who supported the scheme of Confederation would also claim such credit. He thought that the Finance Minister (Hon. Sir Francis Hincks), had understood the extent of the liability which he was about to impose on this country for the future.

The engagements likely to be assumed he stated at \$3,000,000. This represented about \$60,000,000 of capital, but considering the gigantic works that were about to be undertaken, he considered that in naming three millions as the amount likely to be added to the interest on our debt, the hon. gentleman had by no means estimated the probable result. He would again remind the House that the present remarkable expansion could not be expected to continue, as periods of great prosperity were almost inevitably followed by periods of depression, and he had condemned the financial arrangements of the Finance Minister, not because they would cause mischief at the moment, but that they did not make provision for the future disasters which might overtake us. He contended the large increase in the Customs and Excise during the last three years, amounting to \$6,000,000, was not likely to be maintained; it was more likely to be diminished. He considered that it must be attributed in a great measure to the state of things existing in the adjacent Republic.

A very considerable portion of our revenue from woollens, silks, satins, etc., was in consequence of the great demand for those articles by Americans in the frontier towns, and he argued that there were peculiar reasons connected with that fact calculated to cause the revenue to increase more rapidly than it would under ordinary



circumstances. As he had told that hon. gentleman on previous occasions, if he had been in Canada during the years between 1857-58 and 1865-66, he would have known that in this country above all others, periods of great prosperity are very apt to be followed by periods of depression, and that it was not wise to judge of the state of the public revenue by calculations which are made during a time when we were really spending a large amount of our capital.

**Hon. Mr. MORRIS** did not intend to speak at any great length, but he wished to refer to one or two statements of the leader of the Opposition (Hon. Mr. Mackenzie). It was gratifying to find that that hon. gentleman took so encouraging a view of the position of the country. It was refreshing to hear him stand up and declare that we were in a position to pay our way. Everything was *couleur de rose* from the point of observation today.

But it had not always been so, for the hon. gentleman was overwhelmed last Session with alarm, and had attempted to excite the public mind of the Dominion in regard to our financial condition. He had stated that the proposed engagements respecting the Pacific Railway would add to the burdens of the country one hundred millions. Today, how the scene had changed. Today, when the Government have informed the House that the British Government are prepared to help us in carrying out great public works he declares that we are too rich to accept such assistance. (*Hear, hear.*)

The hon. gentleman last session threatened the House with an increase of taxation, but this year when we are asking our people to encourage these great undertakings and assist in developing the resources of our country, he attacks the Government because they are not prepared to recommend a reduction of taxation. He (Hon. Mr. Morris) had been amused at reading a speech made by the hon. gentleman before Parliament met last year in which he had pledged himself that no matter what Government came into power there would have to be an increase of at least five per cent in taxation. He would quote the words he had then used. The speech was made at London during a pilgrimage through the country and was as follows: He (Hon. Mr. Mackenzie) would like to give those present an honest and fair statement of the increase in our public debt, but he would tell them frankly that it was impossible for any man to take up the Public Accounts and ascertain the amount of that debt. We knew the amount that bore interest in England. We knew the amount of a certain kind of stock that carried interest in Canada; but that was about all.

Our debentures of all kinds amounted to nearly 94 millions afloat, but Government—knowing that there was an annual deficit, knowing that if they pushed on taxation to the extent necessary to meet the public requirements, they would be called to account—sought to hide our indebtedness.

He ventured to say, and he knew he would be able to prove the assertion when Parliament met, that if we were called on to pay all our debts since 1867, we would have to impose a rate of five per cent additional to our present taxation. Whatever Government came into power, there was a serious financial difficulty before them, be they what they may.

That was the forecast of the hon. gentleman of the financial condition of the Dominion, and he had heard the reply today. He had heard that instead of there being a deficiency since Confederation there had been a steady increase of our revenue, and that now there was a large surplus in existence.

He had told the people there that it was impossible for any man to form an opinion of what our debt was, intimating that the Government tried to conceal the true state of the debt; but when he came down to the House, he found out from the Public Accounts for himself what the debt was. He (Hon. Mr. Morris) liked honesty and fair play, but he would ask what sort of honesty it was that represented matters in such a light as that.

The member for Waterloo South (Mr. Young) had also given some attention to the financial position of the country. From a paper published by that hon. gentleman on the resources of the Dominion, it would appear that he had no difficulty in finding out the debt from the accounts.

The member for Lambton (Hon. Mr. Mackenzie) had told the people that so great was the embarrassment in our finances, that the Government must come down and add five per cent to the taxation of the country. But what was the result? Instead of adding five per cent, no less a sum than \$800,000 had been taken off last session, and notwithstanding that, the Government met the House with a large surplus, and with resources to justify them in undertaking the large works necessary in the Dominion.

He (Hon. Mr. Morris) had thought it right to call the attention of the House to the changed position of the hon. gentleman. Right glad would he be if he found him in the future standing forward with those who desire to consolidate this Dominion. Right glad would he have been if instead of opposing every measure submitted to this House he had endeavored to stand by the party who have the weal and welfare of the Dominion heartily before them.

But this pleasure was denied him, for he (Hon. Mr. Mackenzie) had set his face against every effort to conciliate Nova Scotia. He had resisted the terms for the admission of British Columbia, and had opposed the construction of the Pacific Railway. He had resisted in every case measures that had been proposed and which time was proving to have been in the interests of the Dominion. He (Hon. Mr. Morris) would like to see the hon. gentleman with his great talents working with those who hope to make this Dominion worthy of its position as a portion of the great British Empire.

**Hon. Sir FRANCIS HINCKS** said with reference to the statement of his having unnecessarily introduced the Treaty of Washington into his speech, that it must be admitted that under the circumstances it was utterly impossible for him in making his financial statement to avoid all reference to that Treaty, and with reference to the charges of his having omitted to mention necessary matters, he could only say that he had endeavored to confine himself to the financial question as much as possible.

April 30, 1872

As to the expression of regret of the hon. member for Sherbrooke (Hon. Sir A.T. Galt) that his resolutions of last year had not carried, that hon. gentleman must admit that they could not possibly have influenced the proceedings at Washington. The Canadian Government had no responsibility whatever in the matter of the Washington Treaty, and he believed the First Minister would have acted in the most dishonourable manner towards the Imperial Government if he had joined the Commission with the deliberate intention of not conforming to the instructions he received from the English Government.

There had been a total misconception on this point—there could not be two parties on the English side of the question, and the leader of the Government had been in no way a Canadian Commissioner. As far as the matter affected Canada, Parliament had now full power to deal with it. He then referred to the remarks of the member for Lanark North (Hon. Mr. McDougall), on the subject of the West Indies Commission. He was acquainted with the sentiment of the people of British Guiana, and it was only just that he should point out the absurdity of the propositions put forward by some of the people of Canada. The great part of the revenue of British Guiana was derived from duties on a few principal articles, such as flour and salt, fish and others produced in Canada, while a large proportion of the Canadian revenue was derived from duties on sugar, which was produced in British Guiana, and it was there impossible to carry out the suggestion that those articles respectively should be admitted into the countries free, without seriously affecting the revenue of both countries.

He would now refer to one or two remarks of the member for Durham West (Hon. Mr. Blake), who had alleged that he (Hon. Sir Francis Hincks) had admitted a discrepancy of views between himself and his colleagues. There was no such discrepancy, for as to the remarks of the hon. Secretary of State for the Provinces (Hon. Mr. Howe), which had so often been called in question, he believed there was no more loyal a man in the House than that hon. gentleman, and no one more attached to British connection. That gentleman might have expressed his views strongly, but they tended in an entirely different direction from independence or annexation.

**Hon. Mr. HOLTON:** He only improved the impossibility from his point of view of continuing the connection.

**Hon. Sir FRANCIS HINCKS:** Nothing of the kind. There were a number of persons who held opinions in regard to a reorganization of the Empire, and who believed that better relations might be established by which the colonies would have a larger voice in the conduct of imperial affairs. He must admit that such sentiments were largely entertained, but he did not believe they could be carried out, and he believed that was the direction in which the remarks of the Secretary of State for the Provinces had pointed.

The member for Lotbinière (Mr. Joly) had seemed to imagine that Canada could frame a commercial policy entirely irrespective of the Imperial Government, and he (Hon. Sir Francis Hincks) had endeavored in his previous remarks to show how impossible such a course was.

As to the remarks of the member for Lennox (Mr. Cartwright) he did not believe there was any danger of the evils he apprehended. Of late there had not been any great extension, many public works had been promoted, but there had been no large introduction of foreign capital, and there were no indications of the danger against which the hon. gentleman was so constantly warning them.

**Hon. Mr. HOLTON** said the Minister of Finance (Hon. Sir Francis Hincks) having repeated a proposition that the Prime Minister went to deal with Canadian matters as an officer of the Imperial Government, and with no responsibility to that House, he must say that he held such a statement to be altogether absurd, and in his judgment it was disrespectful to the House that such a grave question should be introduced by a side wind in the Budget Speech. He did not doubt that there had been a direct intention to draw out the House, but it had not succeeded. He would not speak on the matter until the question had been placed before the House by the Prime Minister, but that hon. gentleman would not take the ground of the Minister of Finance.

**Hon. Mr. BLAKE** rose to correct a misapprehension on the part of the Finance Minister (Hon. Sir Francis Hincks). He (Hon. Mr. Blake) meant to say that the present statement of the Finance Minister, in reference to the Treaty, was at variance with what he had stated on a previous occasion. At present, the Finance Minister said he regretted that Hon. Sir John A. Macdonald was appointed a Commissioner. Last year, he congratulated the House and country on the appointment. (*Hear, hear.*)

**Mr. YOUNG** said he had no intention of addressing the House, but for the reference of the Minister of Inland Revenue (Hon. Mr. Morris) to him. That gentleman always addressed the House in a tone of melancholy patriotism.

The hon. member for Lambton (Hon. Mr. Mackenzie) had been quite right in saying at London there had been deficits in 1867-68. Sir John Rose claimed a surplus of \$350,000, but deducting certain items which should not have been in the revenue, there was really a deficit.

**Hon. Sir FRANCIS HINCKS** admitted that, deducting the payment made by the Great Western Railway; there was a deficit the following year of \$39,000; and if the items of premium and exchange were deducted, there was a deficit of \$476,000.

The third Finance Minister, Sir Francis Hincks, showed that there was likely to be a deficit of \$340,000, and so put on additional taxes. The five per cent increase, and the famous national policy new duties, and the extraordinarily large importations which then began caused by the enormous expenditure on public works, saved the country from a deficit perhaps the third year. Great credit was taken for the surplus, but the real cause, as he had said, was because there had been an increase of from fifteen to twenty millions to the imports for several years; but whilst those circumstances were filling the treasury, the increased railway expenditure which produced it was rapidly piling up the aggregate indebtedness of the



country. Everyone was no doubt pleased that there was a surplus, but it was not on account of the wisdom or economy of the Government, whose administration had been characterized by lavish expenditure. The expansion of revenue was abnormal, but yet the Minister of Finance was branching out into the most prodigal expenditure, which when his revenue fell off, he would not be able to contract. This would land us in chronic deficiencies like those of former years.

Hon. Sir John Rose stated the expenditure of the first year of Confederation at \$12,729,211, but last year the estimate was \$17,280,350, being an increase of four millions in ordinary expenditure in four years. The Estimates for 1872-73 showed another augmentation of about three millions; and if Sir Francis Hincks went on increasing his outlay in this way, he would leave the country in as bad a position as at his departure many years ago. The public debt had been stated by the Finance Minister at eight millions, but this did not include the debts of the different Provinces.

**Hon. Sir FRANCIS HINCKS:** Hear, hear.

**Mr. YOUNG** said the finances had not yet felt the force of what he considered the reckless undertakings of the Government. When they added \$20,000,000 for the Intercolonial Railway; \$5,000,000 for fortifications; \$15,000,000 for the canals, and \$30,000,000 for the Canadian Pacific Railway—he believed it would at least be fifty millions, and besides the land grant—they would have a public debt of \$157,000,000. This would be found a great burden, and must inevitably increase the taxation of the people.

The speaker then went on to show the increase in the expenditure of the public departments since 1867-68, among which were the following increases: Administration of Justice, \$23,168; Civil Government, \$47,859; Ocean and river service, \$89,527; Light houses, etc., \$159,710; Public Works, \$639,589; Fisheries, \$67,255; Post Office, \$198,668; Public Works Department, \$204,758; Excise, \$50,624; Miscellaneous, \$72,271.

Some increase of expenditure was unavoidable, but these figures he considered showed that the Government was justly open to the charge of extravagance. For the coming year there was also an enlarged expenditure. The prodigal administration of the Finance Minister (Hon. Sir Francis Hincks) before leaving Canada led to some six or seven years of deficits adding to over twenty million to the public debt. He had come back at another period of Grand Trunk Railway expenditure. His administration was characterized by enormous outlays on public works and in other ways, similar to those of the former period, and he (Mr. Young) hoped that similar disastrous results would not follow when he left the country again.

**Mr. WORKMAN** had heard the financial statement with very great satisfaction indeed. He had feared that the country was going to be sunk in debt, but the fear had now been removed from his mind. He was glad to hear there was to be no increased taxation, but that the great public works could be carried out on the present taxation, and he was satisfied with the position the Dominion was

assuming before the world. The House and country ought to be proud of the statement of the Minister of Finance (Hon. Sir Francis Hincks), but he trusted the Government would be guarded in the proposed large expenditure. A very great amount of borrowed money was being introduced into the country and difficulties in future years were very possible. He could not but approve however of the proposed canal enlargement which was a matter of the very greatest consequence.

**Hon. Mr. TILLEY** said there was no doubt that the view of the member for Montreal (Mr. Workman) would be very much appreciated, and that every one would admit that the expenditure should be kept within the means of the country. He maintained that the actual increase of the revenue of the past years since Confederation, taken in connection with what might fairly be counted on in the future, fully justified the proposed expenditure, stating that an increased population of a million during the next ten years, would of itself place an increased revenue of four millions at the disposal of the Government.

He believed that the amount named by the Finance Minister as being gained by means of the Imperial guarantee was very much below what would really result. He remembered how the hon. gentleman, two years ago, pointed out the lamentable condition the country was likely to be in and said some severe things, for which he afterwards apologized, but tonight they had heard him speak of the prosperity of the country, and our ability to carry on any necessary works without the aid of an Imperial guarantee.

His hon. friend on the opposite side of the House had referred to the increased expenditure of the Dominion, and stated that the interest on the debt had increased \$600,000 since 1867; but he had not taken into consideration the debts of the provinces assumed by the Dominion since that time. By referring to the comparative statements published, it would be seen that the result was quite different to that stated by his hon. friend.

The hon. gentleman complained of the expenditure of the Post Office Department, Public Works and Railways. He would ask how the postal accommodation between the provinces forming the Dominion, particularly the North West and British Columbia, could be improved without increasing the expenditure. A great many miles had been added to the Government Railways, and the increased amount in the Estimates now before the House was to enable them to extend their railway accommodation, and the revenue was in excess of the estimated expenditure.

With reference to the large increase in the expenditure of the Civil Service, he had explained last year, that the engineers whose salaries were previously charged against Public Works, had been transferred to the Department of Public Works, and still that department did not show any increase.

Similarly the Adjutant General's Department had been transferred to the Department of Militia, and yet the expenditure of that Department was not so much as in 1867. Of the increases last year \$8,000 was the salary of the Lieut. governor of Manitoba, and

April 30, 1872

\$14,000 for Post offices in the cities of Montreal and Quebec and other places, and by deducting those amounts, it would be seen that there was no increase over the previous year. He would like his hon. friend to point out the figures, and show where they could not be justified; any increase would bear the most rigid investigation and scrutiny.

The hon. gentleman had referred to the lighthouse service and the increased cost thereof. He (Hon. Mr. Tilley) felt sure that there was no service in the country which would be more cheerfully sustained, and appropriations made for, than that which would light our coasts and make navigation sure, thereby saving risk—and reducing the rates of ocean freightage and insurance.

He was satisfied that the revenue and surplus for the next ten years would be sufficient for the execution of the public works foreshadowed by the Minister of Finance. Even if there should be a reaction in the commercial prosperity of the country, the population was increasing at the rate of two and a half per cent, and if the revenue did not increase proportionately, there would still be more than sufficient, with the surplus, to pay the interest on the liabilities and supply the wants of the country.

He agreed with the hon. member for Sherbrooke (Hon. Sir A.T. Galt) that the Minister of Finance (Hon. Sir Francis Hincks) was quite right in not dealing with the surplus, as the country will be in a better position to meet all liabilities promptly, and he could see no fear whatever of difficulty arising out of the undertakings mentioned by the Minister of Finance.

**Hon. Mr. MACKENZIE** spoke in the strongest language of the Speech of the Hon. Minister of Inland Revenue (Hon. Mr. Morris), and referred to the course which he (Hon. Mr. Mackenzie) had pursued with regard to the subsidies to the various Provinces. He did not look with serious apprehension to any great national calamity, but the financial policy of the Minister of Finance was calculated to bring on a commercial depression.

**Hon. Mr. CHAUVEAU** explained the policy of the new-born National Party (Parti national), of the Province of Quebec, and showed that the hon. member for Lambton (Hon. Mr. Mackenzie) had given that party a most severe rebuke, having denounced the platform on which all their hopes are based.

The House then went into Committee of Ways and Means, **Mr. STREET** in the Chair—Reported and asked leave to sit again.

**Hon. Sir JOHN A. MACDONALD** moved the second reading of an Act to amend the law relating to the fraudulent marking of merchandise. He explained that it was an adaptation of the English Statute on the subject passed in 1862. The reason for the introduction of the Law was that a failure of justice had occurred in a late trial at Montreal where a person had been indicted under the

Law as it now stands.

**Hon. Sir JOHN A. MACDONALD** moved the second reading of the Bill, “An Act to make provision for the continuation and extension of the Geological Survey of Canada, and for the maintenance of the Geological Museum.”

**Hon. Mr. MACKENZIE** had observed in the Estimates, that in addition to the increased expenditure for this service, there were special votes for large amounts, and he moved to know whether such was necessary. He thought the vote of \$45,000 was intended to cover all expenses.

**Hon. Sir JOHN A. MACDONALD:** In the absence of the Secretary of State for the Provinces (Hon. Mr. Howe), said the vote was intended to cover all the expenses, but that he supposed the additional sum asked for was an exceptional vote for British Columbia.

An Act to correct a Clerical Error in the Act relating to Banks and Banking, and to amend the said Act, was read a second time, and referred to the Committee on Banking and Commerce.

An Act respecting the public debt and the raising of loans authorized by Parliament was read a second time.

The House then went into Committee to consider the following resolution which was adopted:

*Resolved*—That it is expedient to identify the Members of the Privy Council, the Auditor General, and all other officers and persons concerned in the issue of a Special Warrant by His Excellency the Governor General, upon an Order in Council made 17th October, 1871, under the provisions of the 35th Section of the Act 31 Vic., Cap. 5, for the advance of the sum of one hundred thousand dollars to meet the expenditure on account of the Expeditionary Force which was ordered to be sent to the Province of Manitoba, or in the expenditure of \$62,150.72 for the said purpose out of the said sum of \$100,000, detailed accounts of such expenditure having been laid before Parliament, and all the requirements of the Act aforesaid in the premises having been duly complied with.

Also—

A resolution declaring it expedient to amend and consolidate, and to extend to the whole Dominion of Canada, the Law respecting the inspection of certain staple articles of Canadian produce, which was adopted.

An Act to amend the Act regulating the issue of Dominion Notes, was reported by the Committee.

The House adjourned at 10.30 p.m.





May 1st, 1872

## HOUSE OF COMMONS

Wednesday, May 1st, 1872

The **SPEAKER** took the chair at 3 p.m. Several petitions were read.

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*Prayers*

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## A PETITION BY TELEGRAPH

**Hon. Mr. MACKENZIE** presented a petition, which he said was scarcely regular, but he thought it was his duty, with the consent of the House, to read it. The petition came from parties at Fort Garry who thought they could present a petition by telegraph. He had received it in the form of a telegram, and if the House had no objection, he would read it in order to have the wishes of the petitioners made known.

The following is the text:—

TO THE HONOURABLE THE HOUSE OF COMMONS, OTTAWA

Whereas we, who were imprisoned in 1869 and 1870, have received by telegraph a list of the awards for losses made by Commissioner Johnson, and sanctioned by the Privy Council;

Whereas, we deem these awards an outrage on all principles of equity;

Whereas some of us, who have lost our all and literally more than Dr. Schultz, have been awarded two dollars per day for imprisonment, while he has been recompensed at the rate of ten dollars per day;

Whereas it would seem that no system whatever has been followed in making the awards;

Whereas, the list on the face of it bears evidence of the fact that certain personal considerations entered largely into its concoction;

And whereas we believe that duplicity on the one hand, and culpable pliability on the part of the Government on the other, have inflicted on us a grievous wrong;

We humbly beg your Honourable House, before voting the awards, to take steps to make a fuller and more impartial investigation into our losses and claims. And your petitioners will ever pray, &c

By **Mr. FERGUSON** —Petition of the Huron and Lake Erie Canal Company.

Of the Toronto Corn Exchange praying for a line of steamers to

open up trade to Halifax in Nova Scotia.

By **Mr. SHANLY** —For a Railway to connect Ottawa with Montreal.

Of the Chairman of the Board of Commerce, Greenock, Scotland, &c., praying for certain measures to prevent the desertion of seamen in Canada.

A Petition was read from Major Bernard, of Douglastown, District of Gaspé, Province of Quebec, stating that he was literally dead and praying for a pension. He (Major Bernard) had been injured, was sorry to succumb, but necessity knew no law, his shoulder had been dislocated, his ribs broken, and his memory affected. He hoped he would not meet with the reply of “no friends” (*Great laughter*). He had lately lost two situations because he was unable to keep them.

**Mr. JONES (Halifax)** introduced a Bill to assimilate the law of Nova Scotia with those of other parts of the Dominion in respect to interest.

**Mr. WORKMAN** moved, in the absence of Mr. Ryan, member for Montreal West, for leave to introduce a Bill to incorporate the Anticosti Company.

**Hon. Mr. ABBOTT** moved for leave to introduce a Bill to incorporate the Canada and Newfoundland Sealing and Fishing Company.

**Hon. Mr. LANGEVIN** submitted a report relating to the accident on the Windsor and Halifax Railway and other matters.

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## QUESTIONS BY MEMBERS

**Mr. BENOIT:** Whether it is the intention of the Government to place funds at the disposal of the Honourable, the Minister of Agriculture, for the purpose of causing to be held an exhibition of cattle, agricultural and horticulture produce and objects of art invention, &c., from all parts of the Dominion for the year 1872.

**Hon. Mr. POPE:** It is not the intention of the Government to do so.

**Mr. BENOIT:** Whether it is the intention of the Government to make to the Boards or Councils of Agriculture in each Province, or to Agricultural Societies, grants of money which will enable them to promote the progress of Agriculture throughout the whole Dominion?



**Hon. Mr. POPE:** It is not the intention of the Government, although strongly sympathizing with everything calculated to advance the progress of Agriculture, to do so.

**Mr. CURRIER:** When the Return to Address of 4th May, 1870, for a return of the names, origin, creed, position, and pay of the employees of the Dominion Government will be laid before the House?

**Hon. Mr. MORRIS:** Either this week or beginning of next week?

**Mr. DELORME (Saint-Hyacinthe):** Whether it is the intention of the Government to take any steps towards preventing the emigration of Canadians to the United States, by holding out such material advantages as will induce Canadians to remain in their own country?

And,—

Whether it is the intention of the Government to take more effectual means to encourage Canadians who have emigrated to the United States to return to Canada, and whether one of such measures is to set apart out of the amount voted for immigration the greater part of that sum for this purpose?

**Hon. Mr. POPE:** The Government were doing everything in their power to induce emigrants from the United States and everywhere else to come to Canada.

**Mr. BOLTON:** Whether, under Article Eighteen of the Treaty of Washington, United States fishermen will be expected to be governed, when fishing in Dominion waters, by municipal or other regulations establishing close time for the protection of spawning grounds, or other protective measures for the preservation of the fisheries?

And,—

Whether, under the Twenty-first Article of the Treaty of Washington, the fish and fish oil that are proposed to be admitted free of duty into the United States are meant to be only what are produced within the limits of the Dominion, or if fish caught by the subjects of the Dominion outside of the three mile limit, be considered the produce of the Dominion fisheries and admitted free of duty?

**Hon. Sir JOHN A. MACDONALD** would be obliged to his hon. friend if he would postpone these questions until after the discussion on the Washington Treaty. Postponed.

**Mr. FOURNIER:** Whether it is the intention of the Government to take under its control the wharves built upon the St. Lawrence, below Quebec, by means of loans from the Municipal Loan Fund, and to relieve the Municipalities from the debt which they have contracted in erecting the same?

**Hon. Mr. LANGEVIN:** The matter had engaged the attention of the Government, but no decision had yet been arrived at.

**Mr. LAWSON:** Whether it is the intention of the Government to place a sum in the Estimates of the current year for the purpose of opening Big Creek (in the County of Norfolk), into the water of Lake Erie, for a Harbour of Refuge, in accordance with the petition to His Excellency the Governor General of R. Abbott and 200 others?

**Hon. Mr. LANGEVIN:** It was the intention of the Government to have the matter of opening up of Big Creek inquired into by a competent engineer.

**Mr. KEELER:** Whether the lands of Presque Isle Peninsula and High Bluff, in the Township of Brighton, are the property of the Dominion, and if so, is it the intention either to sell or lease, with right of cutting wood for fuel and fencing, to the present occupants as prayed by their petition of recent date?

**Hon. Mr. TUPPER:** These lands were obtained for lighthouse purposes and it is not consistent with the public interest that any part of them should be either sold or leased.

**Mr. MASSON (Soulanges):** Whether it is the intention of the Government before commencing the works for the enlargement of the Canals of the Dominion to have a thorough examination made by competent Engineers of the north shore of the Coteau Rapids in the Counties of Soulanges and Vaudreuil in order to ascertain if it would not be less costly and more advantageous in a commercial and strategic point of view to build a new canal to the north of the said Rapids in preference to enlarging the existing Beauharnois Canal, the building of which on the south shore of the said Rapids has been the cause of so much outlay and damage to property; outlay and damages, which if they continue, will with the addition of the cost of enlargement, far exceed the cost of building a new canal on the north shore of the Coteau Rapids?

**Hon. Mr. LANGEVIN:** It will be taken into consideration by the Government.

**Mr. OLIVER** moved for the correspondence relating to fees charged by American officials on goods and produce passing through the United States in bond. He stated that these charges were so heavy that it was almost impossible to send goods either to Europe or to the Maritime Provinces in bond, and it also operated very much against shipments to the United States, while at the same time the products of the United States passed through the Dominion without any fee or charge. He thought some steps should be taken by the Government to remedy the evil which was complained of in all parts of the country.

**Mr. De COSMOS** said the question was one in which British Columbia was specially interested, as they imported largely from Great Britain via San Francisco and Panama. He understood that the charges alluded to were very exorbitant. The pack trade along the frontier was at times compelled to cross the border, when they had

May 1st, 1872

to crave indulgence and assistance from the Custom House officers, often causing great expense. He hoped the Government would take up the matter in order that the charges might be made as low as possible. This was the more important in view of the large trade that was expected between British Columbia and the Dominion.

**Mr. GIBBS** was glad that the subject had been brought before the House as it was a very embarrassing one to the country. In many instances the consular charges were so great that they amounted to a large tax upon some articles, such as coarse grains. He had no doubt that in the arrangements connected with the Washington Treaty this matter had received attention.

**Mr. CURRIER** was also glad that the question had been brought up, and hoped the Government would be induced to take steps to remove the grievance. It applied more especially to the lumber trade than to any other, as the charges imposed on each barge load of lumber sent to the United States were enormous. He had not the details before him, but they amounted to a heavy tax upon the trade.

**Mr. WHITE (Halton)** also represented the great inconvenience caused to the lumber trade, between Georgian Bay and the United States, in having to obtain the necessary consular certificate before the lumber could be shipped.

**Mr. WORKMAN** would like to say a word for the merchants of Montreal. (*Hear, hear, and laughter.*) The inconvenience and annoyance had been very great. The present Consular Agent at Montreal was not, however, so exacting as some of his predecessors, and consequently there was not the same amount of expense and trouble, but in view of the large trade which was expected to spring up with British Columbia he thought the Government should make an effort to remove the grievance.

**Mr. MERRITT** would call attention to another point. Canadian vessels trading on Lake Michigan were obliged to call at the first American port, and obtain a Consular certificate. The delay caused by this was a great tax on the trade.

**Mr. HARRISON** would, as the hon. member for Montreal (Mr. Workman) had done with regard to that city, say a word on behalf of the merchants of Toronto. (*Hear, hear.*) He thought that something should be done to regulate these charges on goods in bond and to bring them down to the lowest possible amount. At present he believed there were no regulations on the subject, and it was important, in view of the arrangements under the Washington Treaty, that some correspondence should take place between the Government of Canada and that of the United States, in order, if possible, to do away with the grievance.

**Hon. Mr. TILLEY** said that it was quite apparent that it would be a very popular arrangement if the Government could succeed in obtaining a relaxation of the charges imposed by the United States. He might say that he was not very sanguine of success, because on other points the Government had found it exceedingly difficult to

obtain the desired concessions. The difficulties were not confined solely to the charges made by the Government of the United States, but included charges made by persons who gave their bonds (Express companies, for instance), and became personally responsible. The correspondence, if there was any, would be brought down, and if the Government found they could accomplish anything in the matter, they would certainly do so.

**Hon. Mr. MACKENZIE** said that whatever took place at Washington last year on this subject should be known to the House. He was sure that it could not have escaped the attention of our Commissioner.

**Mr. CARTWRIGHT** moved the House into Committee of the Whole to consider the following resolutions:

1. *Resolved*—That this House regrets to learn that Her Majesty's advisers have seen fit to assume the responsibility of withdrawing the claims of the Dominion of Canada against the United States for compensation on account of injuries arising from the Fenian raids.

2. *Resolved*—That this House cannot but feel that the proposal to indemnify the people of Canada, whether directly or indirectly, at the expense of the English taxpayer, for wrongs committed by subjects of a foreign State, is impolitic, both in itself and as tending to produce just dissatisfaction in the Mother country, and furthermore that such a course of action is likely to operate as a direct incentive to renewed outrages, inasmuch as it is notorious that the above mentioned raids have arisen rather from feelings of hostility to the Imperial Government as a whole, than from any special animosity to the inhabitants of this Dominion.

3. *Resolved*—That taking into consideration the circumstances under which these inroads were committed this House is apprehensive that the refusal of the British Government to press these claims is calculated to encourage the people and Government of the United States, in the belief that the due discharge of their international obligations towards the Dominion of Canada is a matter of comparative indifference to Her Majesty's Imperial Cabinet.

**Hon. Sir JOHN A. MACDONALD** asked that the motion might stand till Friday, when the Bill would be introduced and the whole matter would be before the House.

**Mr. CARTWRIGHT** said that in consenting to the suggestion, it was on the understanding only that if anything prevented his motion being dealt with on Friday, he should take the earliest opportunity afterwards of proceeding with it.

**Mr. GODIN** moved an Address for copies of petitions, correspondence, &c., relative to the establishment of daily mail service between certain places in the County of Joliette. —Carried.

**Mr. CHIPMAN** moved to refer the petition of the Nova Scotia Electric Telegraph Company to the Standing Committee



on Railways, Canals and Telegraphs.—Carried.

**Mr. MILLS** moved an Address for copies of all plans, reports, specifications and, contracts relating to the improvement of the navigation of the Rivers Thames and Sydenham since 1867. He referred to discussions on the subject a few years since, when Government had held that small tributary streams were under control of the local Government, but the Government afterwards divided the streams of the country into classes, one class being under control of the Dominion Government alone and another class consisting of streams, among which were the Thames and Sydenham, to be improved on condition that certain sums were contributed by the Local Government. Obstacles had now formed in the rivers in question and he desired to ascertain the action of the Government.

**Hon. Mr. LANGEVIN** said the mover had spoken of correspondence but had not mentioned it in his motion.

**Mr. MILLS** had asked for what he wanted.

**Hon. Mr. LANGEVIN** was not prepared to give an immediate answer in the matter, and desired the questions asked might be put on the notice paper. He did not think the plans, &c., were in his Department.

**Mr. MILLS** said the Government had had a money grant and expended it and he could not understand how they could have done so without plans and specifications.

**Hon. Mr. BLAKE** said the Government had asked a vote, and if they had done the work there must be some plans and specifications.

**Hon. Mr. MACKENZIE** recollected that when the vote was taken he had asked how the money was to be expended, the amount being \$2,400, and had been informed that the Local Government would give a similar amount, and the Dominion Government would then expend both sums.

**Mr. STEPHENSON** said that the Local Government having refused to undertake the work, application had been made to the Dominion Government, and the then Minister of Public Works consented to put a sum in the Estimates provided a like amount was made up from some local source. That amount had been made up, and tenders were then advertised in Ontario, but no one would undertake the work at the amount named. Mr. Brown, however, afterwards consented to do as much as possible for the amount granted, which was allowed to be done, but there were no papers other than those he himself had obtained from the Local Government.

As to the Sydenham a vote had been obtained last year and the work was going on now. The member for Bothwell (Mr. Mills) had stated that the obstruction in the Thames was as

great as ever, thus conveying the idea that the money expended upon removing it had been expended to no purpose, and he had studiously avoided all mention of the fact established by recent survey made by Mr. Molesworth, under orders from Mr. McKellar, Commissioner of Public Works for Ontario, that the water on the bar at the mouth of the river was this year 2 feet 3 inches lower than during the period of navigation last year. To fortify this statement, he (Mr. Stephenson) had in his possession a copy of the survey made by Mr. Molesworth, and also that gentleman's report to the Commissioner of Public Works, both of which had been kindly supplied to him by Mr. McKellar on his personal application.

With reference to the statement that the Sydenham and Thames were under the jurisdiction of the Dominion Government, he (Mr. Stephenson) had contended all along that they were under that jurisdiction, and it would probably be remembered by the House that when the item of \$2,400 had come up for consideration last year, the hon. member for Lambton (Hon. Mr. Mackenzie) had risen in his place, and questioned the propriety of voting it. That hon. gentleman presumed it had been put in the Estimates, in order to satisfy the member for Kent (Mr. Stephenson), who was known, he said, to be a servile supporter of the administration; but while he did not question the necessity for the improvement at the mouth of the River Thames, he held that if the Government made an appropriation in that instance there were a hundred other rivers in the country equally entitled to consideration.

However, notwithstanding these statements of the hon. member for Lambton, the appropriation had been made, and the wisdom of the Government in making it was fully verified since by the great benefits that had accrued from this work of improvement. (*Hear. hear.*)

The motion was then carried.

**Mr. LAWSON** moved an Address for a return of the names of all persons who have been appointed by the Government of Canada as agents or other employee of the Bureau of Immigration since the 1<sup>st</sup> January, 1869: date of appointment, place where stationed, amount of salary or other remuneration paid each, and the instructions issued to such Agents or employees.—Carried.

**Mr. ROBITAILLE** moved an Address for the correspondence, &c., respecting Paspébiac harbor.—Carried.

**Mr. PELLETIER** moved an Address for the correspondence respecting the seizure of merchandize by Customs authorities belonging to Joseph Hamel et Frères, Quebec.

**Hon. Mr. TILLEY** said there would be no objection to bring down all the papers. The seizure consisted of some articles of jewellery which were found in a trunk of the junior member of the firm, and which he had brought from England from friends and

May 1st, 1872

which were not reported at Portland.

**Hon. Mr. LANGEVIN** repeated the explanation in French; in the course of which,

**Hon. Mr. HOLTON** objected—that the French translation contained much more than had been said by the Minister of Customs.

**Hon. Mr. LANGEVIN** said his statement and that of the Minister of Customs were substantially the same.

Motion carried.

**Hon. Mr. HOLTON** moved an Address for correspondence respecting the conduct of Iroquois chiefs at Caughnawaga [*Kahnawake*].—Carried.

**Mr. STEPHENSON** moved an Address for a statement of steam fire engines imported into the Dominion during the years 1870 and 1871. He said that manufactures of fire engines had been commenced in Canada, but Americans had used every effort to break down the Canadian manufacture, by bringing engines to Canada and selling them and offering them for sale at lower prices than those at which they could be obtained at the place of manufacture in the United States. More effectually to carry out their designs antagonistic to Canada these Americans had represented that parties purchasing engines from them would not be compelled to pay duty and that if they did pay it the Government would allow them a drawback. Now, he disbelieved that the Government had acted so unfairly in the face of the tariff propositions they had made, and he thought it necessary in order that the truth might be known that these papers should be produced.

**Hon. Mr. TILLEY** said he had no objection to the motion, and the hon. gentleman would find when the papers came down that they were entirely satisfactory.

The motion then carried.

**Mr. FOURNIER** moved an Address for the correspondence relating to the non-payment to Charles Côté of the amount awarded to him by the official arbitrators.—Carried.

**Mr. JOLY** moved the House into a Committee of the Whole to consider the following resolution:

That considering the Superannuation Fund is raised entirely out of the compulsory contribution taken from the salaries of public officers, it is just that the whole of the Fund should be consecrated to the use and benefit of the said officers by applying it, first to their personal relief, according to law, and (if any surplus be left after payment of their superannuation allowances) to the relief of their widows and orphans.

He thought he could satisfy the House that his motion was just and fair. He referred to the returns that had recently been laid before the House which showed that on the 31st March last there was a

balance to the credit of the Superannuation Fund of \$50,630, while the amount required for the payments out of the Fund yearly was \$42,000, leaving a large balance not required. As that fund had been raised by forced contributions from the salaries of public officers, it was only fair that those public officers should reap the benefit. The amount required for the payments would never exceed the amount he had named \$42,000. He had taken the trouble to count the number of officers liable to contribute to the Superannuation Fund, and it amounted to 1392. It appeared from the return before the House, that there were 133 officers superannuated or one in ten of the whole number. These however formed the arrears of a great number of years, and, therefore, Government would never be called upon to superannuate so large a number again.

He then referred to the Estimates for the year ending June, 1863, which stated the sum to be appropriated on account of superannuation to be \$41,300, leaving a balance of 8 or 9 thousand dollars, and confirming his statement that the expenditure would not increase. Under these circumstances he maintained that the proper way to dispose of the annual balance would be to pension widows and orphans of deceased public servants and he hoped the Government would not object to let the House deal with the matter, and that the House would sustain the view he had taken.

**Hon. Sir FRANCIS HINCKS** said the legislation on this subject was experimental, and he had never been able to say definitely whether the rate now paid on account of superannuation was the exact rate that should be paid,—but, if it should prove that 4 per cent was too high Government and Parliament would be quite ready to reduce it. He entirely dissented from the opinion that it was expedient to divert any portion of the fund to the relief of widows and orphans. It was not the business of the Legislature to provide a fund for that purpose.

Members of the Civil Service had the same power to provide for their families by life insurance as any other class, and the object of the Superannuation Fund was to enable the Government to insist upon the retirement of any officer who might become incapable of discharging his duty, with a proper provision for their support. Individually he would have been exceedingly glad to have proposed to provide for superannuation without a reduction of salaries, but he considered it impossible to obtain the sanction of the House to a change in the Revenue on account of Superannuation.

**Mr. JOLY** said his proposition was merely to apply the surplus to the advantage of those who had raised the fund.

**Hon. Sir FRANCIS HINCKS** said he perfectly understood that, but if the amount collected was too great the proper mode of relief and that most acceptable to the public servants themselves would be to reduce the rate. He considered however that the proposition was premature, and hoped that after the House had discussed it, it would be withdrawn.

**Hon. Mr. HUTCHISON** said a pension had been given to a



person in his locality who had only been in the service 4 years and had never contributed to the fund.

**Hon. Sir FRANCIS HINCKS** was quite sure the hon. gentleman was mistaken.

**Hon. Mr. HUTCHISON** said he was not mistaken. The person had been put into the office when over 70 years of age, and was paid a salary to the end of June, while his pension began on the 7th June. He also referred to an appointment of an immigration agent, who, he stated, had never encouraged a single immigrant. He attributed all this to the Minister of Marine and Fisheries (Hon. Senator Mitchell), who, he said, had been sent down to oppose both himself and Mr. Anglin in their elections, but who had received a rebuke. He might come down again if he wished, but in that case he would receive a stern rebuke. He agreed with the member for Lotbinière (Mr. Joly) that the number of officers superannuated should never exceed one per cent of the entire number, and that the widows and orphans ought to receive the benefit of any surplus, or failing that, the rate ought to be reduced.

**Hon. Sir FRANCIS HINCKS** said the hon. gentleman had used very strong language, practically imputing fraud to the Government. He had stated that Government had placed on the pension list a gentleman who had only been four years in office. The fact was that that gentleman had only four years on salary, but for some fifteen or sixteen years previously he had been in the public service, but paid by fees.

**Hon. Mr. MACKENZIE:** Does the Finance Minister say that the Superannuation Fund applies to gentlemen paid by fees?

**Hon. Sir FRANCIS HINCKS** said he was mistaken in saying fees, the gentleman was paid by commission, but at the time of being pensioned was on salary.

**Hon. Mr. MACKENZIE** said fees and commission were practically the same, and any one receiving them had no claim to superannuation.

**Hon. Sir FRANCIS HINCKS** said when he had stated that the gentleman had not been paid after four years service, it was because from his own knowledge of the working of his Department he knew such a thing to be impossible. He had since learned that the person

in question had been in the public service something like twenty years, but that formerly his emoluments had been derived from commissions, while at the time of superannuation he was on salary.

**Hon. Mr. ANGLIN** denied that the gentleman in question could be held to have been in the public service. He had merely been employed to superintend the building of light-houses, for which service it was customary to pay commissions, but that in fact he was a shipbuilder.

**Hon. Sir GEORGE-É. CARTIER** said that Confederation provided that officers in the different Provinces employed in the discharge of duties connected with the Dominion should become officers of the Dominion, and their former services had to be taken into account in matters of pension.

**Hon. Mr. HUTCHISON** said if he had used any unparliamentary expressions he desired to withdraw them.

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#### THE "DANCING PARLIAMENT"

It being six o'clock **Hon. Sir GEORGE-É. CARTIER** moved that the House adjourn.

**Hon. Mr. HOLTON** wished to know the reason for adjourning. He asked that the time spent this evening in amusement be made up to the public by the House sitting on Saturday.

**Hon. Sir GEORGE-É. CARTIER** said unfortunately the leader of the Government was unwell, and had left the House; but before leaving he intimated that the motion to adjourn was to be moved. The Government would do all in their power to make up the lost time in a manner satisfactory to the member for Châteauguay (Hon. Mr. Holton). (*Laughter.*)

**Mr. BODWELL** objected to the motion for adjournment, and said that this House would gain for itself the name of the "Dancing Parliament."

The motion for adjournment was then carried, and the House rose at six o'clock.

May 2, 1872

## HOUSE OF COMMONS

Thursday, May 2, 1872

The **SPEAKER** took the chair at 3 p.m.

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*Prayers*

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**Hon. Mr. CHAUVEAU** presented a petition from the Quebec Board of Trade, “asking that logs might be permitted to float down the Ottawa River without being rafted”.

**Hon. Sir GEORGE-É. CARTIER** moved to introduce an Act to amend the Act relative to the Statutes of Canada, from the Senate.

**Hon. Mr. CHAUVEAU** moved for a Bill to amend the Act to detach the parish of St. Felix from the County of Portneuf.

**Hon. Mr. POPE** submitted the first report of Colonization Emigration Committee, recommending that the quorum of said Committee be reduced to nine members.

**Mr. HARRISON** submitted a motion relative to Criminal statistics.

**Mr. HARRISON** introduced a Bill for the more speedy apprehension of fugitive criminals.

**Mr. CARTER** moved for leave to introduce a Bill to abolish assignments in favour of preferential creditors.

**Hon. Mr. MACKENZIE** did not understand the matter. It seemed to him to come within Provincial jurisdiction.

**Mr. CARTER** said it was virtually an insolvency Bill, and although he did not recollect the chapter, was in accordance with an English Act passed in the reign of William IV.

**Hon. Mr. HOLTON** thought the matter was outside of the jurisdiction of this House.

**Hon. Sir GEORGE-É. CARTIER** feared that the member for Châteauguay (Hon. Mr. Holton) was somewhat at fault. He should not quarrel merely with the title of a Bill.

**Mr. CURRIER** complained of a short supply of some pamphlets concerning some facts concerning the Treaty of Washington.

**Hon. Mr. DORION** thought that previous to the discussion on the Treaty every possible information should be furnished to the House.

**Mr. BROUSSEAU** explained that the printing had been somewhat delayed, but that the documents alluded to would be submitted to the House tomorrow.

**Hon. Sir GEORGE-É. CARTIER** said that the more information there should be before the public concerning the Treaty of Washington the better the House would understand the matter. It was the most important matter to be considered during the session.

**Hon. Mr. McDOUGALL (Lanark North)** thought that double the usual edition ought to be printed of such an important document as that relating to the Treaty of Washington.

**Mr. FERGUSON** after some discussion had taken place with regard to the number of copies, thought that six copies would be scarcely sufficient. He thought however, that everything was to be done by the press of the country. It was for the press to disseminate the necessary information.

**Hon. Mr. MACKENZIE** said that this House could not instruct a Joint Committee of both Houses, and he would suggest that the matter should be referred to the Joint Committee on Printing.

**Mr. CURRIER** amended his motion to meet Mr. Mackenzie's suggestions.

**Mr. CARTWRIGHT** called attention to the fact that there was unnecessary delay in getting the Printing of the House done. He thought the proper authorities ought to see to this.

**Mr. RYAN (Montreal West):** Whether it is the intention of the Government to construct any basins on the Lachine Canal this year between the Wellington Bridge and the St. Gabriel Lock, to accommodate the increased and growing trade of the country?

**Hon. Mr. LANGEVIN** hoped that his hon. friend would not insist upon an answer to his question now.

**Mr. McDONALD (Lunenburg):** Whether it is the intention of the Government to establish a port of entry at or near the mouth of La Have River, in the County of Lunenburg?

**Hon. Mr. TILLEY:** Not now.



**Mr. McDONALD (Lunenburg):** Whether it is the intention of the Government to take measures for the appointment of a harbor master for the port of Halifax; also for the appointment of a shipping officer for the same port?

**Hon. Mr. TUPPER:** The Government intended to submit bills to the House with a view to such appointments.

**Hon. Mr. SMITH (Westmorland):** Whether any arrangement has been made between the Government of Her Britannic Majesty and the Government of the Dominion as to the disposition of the amount of compensation to be awarded under the 22nd Article of the Treaty of Washington.

**Hon. Mr. SMITH (Westmorland):** Whether it is intended that the Commissioners appointed under Articles 22 and 23 of the Treaty of Washington, in determining the question of the amount of compensation to be paid, shall be continued to the term of years mentioned in Article 33 of said Treaty?

**Hon. Sir GEORGE-É. CARTIER** suggested that it might be better not to press these questions at present, because they probably would come up again in the discussion on the Treaty of Washington.

**Mr. LANGLOIS:** Whether it is the intention of the Government to cause a survey to be made of the channel of the St. Lawrence, which flows on the north side of the Island of Orleans, with a view to improve the navigation of the said channel and render it safer, the said channel being obstructed by dangerous reefs and shoals?

**Hon. Mr. LANGEVIN:** Any necessary examination will be made by the Government to ascertain what it may be expedient to do.

**Mr. LANGLOIS:** Whether it is the intention of the Government to cause a lighthouse to be built at the end of the wharf at St. Jean, Island of Orleans, it being the unanimous opinion of mariners that if this light had been in existence the Strathardle would not have been thrown upon the St. Valier shoals last autumn, and another vessel would not have been wrecked on the same spot three or four years ago?

**Hon. Mr. TUPPER:** The attention of the Government has only recently been called to this matter, and it was now under consideration.

**Mr. BLANCHET:** Whether it is the intention of the Government, by sale or otherwise, to dispose of any of the Ordnance properties at Lévis, and in what way the Government intend to deal with the said properties?

**Hon. Sir GEORGE-É. CARTIER:** Not at present. These properties had only recently been transferred to the Dominion, and it was not the intention to dispose of them. Nothing more could be done by the Dominion Government than was done by the Imperial Government.

## LIEUTENANT GOVERNOR OF MANITOBA

**Hon. Mr. HOLTON** moved the following resolution:

That it be resolved, that in the opinion of this House the appointment of F. G. Johnson, Esq., to the office of Lieutenant Governor of the Province of Manitoba, to which office an annual salary of \$7,000 is assigned by law, while he continues to hold his Commission as a Judge of the Superior Court of Lower Canada, under which he is entitled to receive a salary of \$3,200 per annum, is not only inconsistent with the whole spirit of our Legislation respecting the Independence of Judges, but is in plain contravention of the words of the 8th Section of the 78th Chapter of the Consolidated Statutes for Lower Canada, whereby it is enacted that "no such Judge" (of the Superior Court of Lower Canada) "shall sit in the Executive Council or in the Legislative Council or in the Legislative Assembly or hold any other place of profit under the Crown so long as he shall be such Judge."

He said the principle of maintaining the independence of the Judiciary, the independence of the Crown on the one hand and of popular influence on the other, had been so fully established as part of the policy of the British Empire, and all parts of it in which representative institutions existed for so long a period, that it would be a work of supererogation to enter into any argument on the subject. The question was simply this: Did the appointment to the office of Lieutenant Governor of Manitoba conflict with the general spirit of our legislation, and was it at variance with the law? He thought that a very little consideration would show that at all events it was at variance with the general spirit of the law.

The facts of the case were these: Mr. Johnson had been absent from his judicial duties for a period of nearly two years, colourably on leave of absence. He was not suffering from ill-health; he was not an old man; he was in the full vigour of manhood, and had only held his office for a few years, when leave of absence was given to him in order that he might be sent on special service to Manitoba. That was certainly an attack on the independence of the Judiciary, especially when coupled with the fact that he continued to receive during his absence his salary as judge; and at the same time compensation for his services at Manitoba. Quite irrespective of his appointment to the office of Lieutenant Governor, the spirit, if not the very letter of the law was violated. The salary of the office of Lieut. Governor was fixed by Statute at \$7,000 a year, and therefore when Mr. Johnson was gazetted to that office he was, so far as the public could ascertain, in the enjoyment of that salary, while as Judge he received \$3,600.

The Act which he had cited in his resolution was passed in 1849 and the only exception he found to its operation was the Act passed some eight years later, providing for the codification of the laws of Lower Canada. Under that Statute, Judges might be appointed to codify the laws; but there was no other exception. It was never contemplated by the law that temporary judges should be appointed during pleasure. He had not brought forward the motion with any desire to attack the Government, and he did not therefore propose dwelling longer upon it. The Government had undoubtedly been led

May 2, 1872

into error, and he hoped now that the error was pointed out they would take steps to remedy it.

Good Governments, better Governments than this had fallen into error; for instance, the Government of Mr. Gladstone, which he regarded as infinitely superior to the Government of this country, had undoubtedly fallen in a grave error in the appointment of Mr. Collier to the Judicial Committee of the Privy Council, but there was this important distinction between the two cases, that Mr. Gladstone certainly kept within the letter of the law, while the hon. gentlemen opposite had violated both the letter and the spirit. He ventured to hope that the Government would set themselves right before the House and the country, but in any case he would have the satisfaction of knowing that he had sought to vindicate one of the great safeguards of freedom—the independence of the Judiciary.

**Hon. Sir GEORGE-É. CARTIER** said there was no doubt that the question raised by the motion was a very grave one, and it must be approached as such. The same question had arisen and been considered by the Government when they made the appointment. The objection contained in the motion was as to Judge Johnson, while continuing to be a Judge of Lower Canada and receiving a salary as such Judge, being appointed as Lieut. Governor of Manitoba with a salary in respect of such office.

He might say, however, that there was no statute fixing a salary to the office of Lieut. Governor of Manitoba, which was provided for by Order in Council. The House had already been informed by the leader of the Government that the appointment of Judge Johnson was merely temporary, and he might now say that Judge Johnson did not expect to receive, neither did Government intend to pay him, a salary on the scale paid to Governor Archibald; indeed, no salary was to be paid at all to Judge Johnson as Lieut. Governor.

He would now come to the question of legality. Judge Johnson, being a Judge of the Superior Court of Lower Canada, was under leave of absence, and his position was filled by an assistant, who performed all his duties. The leader of the Government had already explained on a former occasion that the Act of Confederation only allowed the appointment of an administrator of a Province in case of illness or absence of the Lieutenant-Governor, but not in a case of a resignation. He referred to the cases of Prince Edward Island and British Columbia, where, in case of vacancy, the Chief Justice was allowed to act as Lieut. Governor, and to Upper and Lower Canada, where, under the former regime the Commander of the Forces, was empowered to act.

Before he resumed his seat he would state the decision at which the Government had arrived; but as the member for Châteauguay (Hon. Mr. Holton) had appealed to the Statutes and questioned the legality of the appointment, he would first deal with that. He then referred to the Act of 1849, and maintained that its provisions only applied to Lower Canada and could not affect appointments outside that Province. He would not have taken this argument had he not been provoked to do so. He maintained that the offices alluded to were offices in Lower Canada, and that if that Act were the only

one on the Independence of Parliament as far as Judges were concerned, they could not be prevented from occupying seats in the House of Commons for constituencies outside of Lower Canada.

The hon. member was wrong in stating that the Act of 1857 formed the only exception to that of 1849. He mentioned the Act of 1852 16 Vic., Cap. 13, providing for the appointment of assistant judges in cases of unavoidable absence of judges and where the service of the judges had been otherwise required, which was amended in 1861 when the words “leave of absence” were added as one of the reasons empowering the appointment of assistant judges. He therefore maintained that the appointment was in all respects legal and valid, but concluded by stating that as an hon. member of the House had objected to it, though it was merely temporary, the Government had come to the conclusion to cancel the appointment.

**Hon. Mr. DORION** maintained that Judge Johnson from the moment of his acting on his commission, was entitled to the salary attached to the office and pointed out that in the Estimates for the present year the amount to be paid as salary of the Lieutenant Governor was included under the head of expenditure authorized by Statute, whereas the Minister of Militia had held that there was no Statute on the subject. He also maintained that the terms of the Act of 1849 were not confined to Lower Canada, and that its provisions were violated by the appointment of a Judge to any other office, no matter in what Province. The Government had no right to tamper with the independence of Judges, by granting leave of absence with the express object of giving them other offices.

He should not however protract the debate, and was glad that Government had admitted their error and consented to cancel the appointment. Mr. Johnson had been appointed for two years past as Recorder of Manitoba, for which he received a salary, and at the same time received a salary as Judge, and at the same time another Judge was performing his duties, so that two salaries were paid, one to Judge Ramsay and one to Judge Johnson.

**Hon. Mr. BLAKE** would not have continued the discussion after the statement that the appointment would be cancelled did he not consider that the statements made involved questions of very serious consequence to the country. He did not mean the arguments of the Minister of Militia (Hon. Sir George-É. Cartier), for he scarcely considered them to be arguments. He had however stated that though Judge Johnson was appointed Lieutenant Governor of Manitoba, he was not a salaried officer. He held however that the terms of the British North America Act, 1867, distinctly provided that there should be a Lieut. Governor, and that he should be paid by the Government, and therefore the hon. gentleman in endeavouring to escape from one violation had admitted that he had broken the fundamental law of the Constitution. Further than this, the very Estimates included the salary under the head of “expenditure authorised by statute.”

The Minister of Militia stated that it had been covenanted with Judge Johnson that he should not receive the salary of Lieut. Governor—he did not, however, say whether he might not get



more, and gentlemen accepting temporary appointments expected more as a rule, and in fact the Estimates included an extra charge of the Lieutenant Governor of Manitoba of \$1,000. The Minister of Militia had stated that the appointment was only temporary, but he (Hon. Mr. Blake) maintained that the Law provided that Lieutenant Governors of Provinces should hold office, during pleasure certainly, but they could not be removed within the term of 5 years without cause assigned. This was a law of the utmost consequence in order to give Lieutenant Governors a proper amount of independence. Yet the hon. gentleman assumed to himself to make a temporary appointment.

There was, however, now a good cause for cancelling the appointment, for it ought never to have been made. He held that the attempt to make a temporary appointment to the office of Lieutenant Governor was also a violation of the Law. He held also that the Confederation Act provided that Judges should hold office during good behaviour and if it were properly construed there would be no power to take away a Judge from his office and bribe him—he did not apply the term to this particular case, but to a possible case—by a high office of large emolument, to absent himself from the sphere of his judicial duties, and thus to create a vacancy filled by an Assistant Judge, having all the powers of a Judge, and holding office during pleasure. It was entirely out of the question to justify the course taken in making Mr. Johnson Recorder and then Lieutenant Governor.

He did not desire to protract the discussion, but if the hon. gentlemen's use of the Act was legitimate, it was not consistent with the Act of Confederation, for it practically gave power to cause the whole administration of Justice in Lower Canada to be performed by Judges holding office during pleasure instead of good behaviour. The practise must be judged by the result which it made possible. He considered the Act of the Minister of Militia which he had attempted to justify shewed a degree of recklessness which should lead the country to pause before it continued to place confidence in men who could so act. (*Hear, hear.*)

**Mr. HARRISON** thought the member for Châteauguay (Hon. Mr. Holton) was entitled to the thanks of the House for having made the motion and he also congratulated the Government that they had had the usual courage to admit their error and cancel the appointment, and he thought a man who made a mistake but who had courage to admit and rectify it, ought to be encouraged and not have abuse thrown at him, and taunted for having done what was right. There could only be one object in prolonging the debate, namely to sustain the principle of the independence of the bench. If they had Constitutional liberty, that liberty was secured by checks, and lines drawn between the executive, the legislative and the judicial.

Our constitutional liberty had arisen by the growth of the checks, by the efforts of the Legislature to reduce within reasonable limits the power of the Executive, and that constitutional liberty was in writing. Who was to decide these questions? It was the judicial power, and if there ever was a necessity in the history of the

country to maintain intact that judicial power, it was now. It had been attempted to be argued that if a Judge had leave of absence he might do anything, but he was still a Judge, and except under pressing circumstances, if at all, there should be no interference with the Judges. The Statute of Quebec that had been brought into question was a mere declaration of a constitutional principle that judges should be independent, and should in no way be employed in other positions of profit. There could be no question that the position of Lieut. Governor of Manitoba was a place of profit, and this being so, it was a matter of small consequence whether the salary was guaranteed by Act of Parliament or otherwise.

He trusted that Government, influenced by the discussion that had taken place, would not in future do as they had in this case but would not even appoint Judges to temporary employment but would leave them on the bench as the guardians of the constitution and the interpreters of the fundamental law.

**Hon. Mr. McDOUGALL (Lanark North)** said he understood the complaint to be exclusively directed to the violation of a statute of Lower Canada, and in respect to the fitness of Judge Johnson to fill the position he believed there could be no As to the error which the Government might have committed he did not undertake to pronounce, as the hon. gentleman had admitted it. He believed there should be a strict observance of the law in respect to the Judiciary and was glad the mistake had been rectified. He referred to the appointment of Mr. Blake to the office of President of the Council in Ontario, and said that the hon. gentlemen had taken a very different course from that of the Government in this case for he had first committed the breach of the constitution and then introduced a Bill to sanction it. (*Cheers.*)

**Hon. Mr. BLAKE** said he did not intend to enter into any argument as to what he had done elsewhere, but if the hon. gentleman would meet him there he would discuss it with him, but he thought it exceedingly improper (*Laughter*) to discuss provincial constitutions in that House. The fact was the hon. gentleman wanted to support his friends opposite and made his arguments to suit the circumstances. A little time ago the hon. gentleman was with the Government—then again he was opposed to them—and now he was with them again, he wished him and them joy of it.

**Hon. Mr. McDOUGALL (Lanark North)** said he should insist on the right in all discussions on constitutional matters to deal with all parts of the constitution. As to the challenge about entering the Ontario House he would have very little difficulty in doing that, for on a recent occasion three members of that House offered to resign their seats and give him the opportunity. As to his position with the Government, he stood there as an independent member, to approve or disapprove, and when he was guilty of the inconsistency and indecency of going through the country for years denouncing all public men who disagreed with him on the principle of Coalition Governments (*Cheers*), and violating those principles on the very first opportunity (*Cheers*)—when he had done that, he might be taunted with inconsistency. (*Loud cheers.*)

May 2, 1872

**Hon. Mr. HOWE** said that when on a previous occasion the member for Halifax (Mr. Jones) introduced in the discussion on the Senate, illustrations of violations of the constitution in another House, hon. gentlemen opposite enjoyed it very much; but now when illustrations were taken from the Ontario matters, they objected altogether. It would appear that what was sauce for the goose was not sauce for the gander. (*Laughter.*)

**Hon. Mr. MACKENZIE** said, in the matter of the Senate, the illustrations were not drawn from local matters.

**Mr. MILLS** referred to the coalitions of 1854 and 1867, and said the member for Lanark North (Hon. Mr. McDougall) seemed to have forgotten the position he then occupied. He maintained that the Quebec Act of 1869 was not limited to locality, but to the Judges personally.

**Hon. Mr. HOLTON** asked whether the motion was to be declared carried.

**Hon. Mr. CAMERON (Peel)** appealed that the motion should be withdrawn, as after the declaration of the Government the object had been attained.

**Hon. Mr. HOLTON** said, that having attained his object, he had no desire to press the matter, but a difficulty arose in consequence of the line adopted by the Minister of Militia, who maintained the course taken by Government.

**Hon. Sir GEORGE-É. CARTIER** said the Government maintained that their action had been legal.

It being 6 o'clock the House rose.

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## AFTER RECESS

**Mr. COLBY** rose to move the House in Committee on the Bill to repeal the Insolvency Laws.

**Hon. Mr. GRAY** said that before going into Committee he desired to make a few remarks. He was entirely opposed to the repeal of the Insolvency Law. He would call attention to the fact that the Law as it now stood had been framed after a great deal of labour and consideration. It was framed in a great measure from the experience of the hon. member for Argenteuil (Hon. Mr. Abbott), one of the best authorities on the subject. On the Committee, all the different Provinces were represented. Each particular Province pointed out the peculiar reasons why the Bill should be adopted, and it was afterwards carried by a large majority of the House. He would call the attention to the disadvantage the separate Provinces would labour under if the Act should be repealed. This matter being one that was exclusively within the jurisdiction of the General Parliament, the Local Legislatures could not legislate upon it.

In New Brunswick a peculiar disadvantage would result from the repeal of the law. Before Confederation, that province had a law providing for the discharge from arrest of a debtor, which was working more or less to the satisfaction of the country. It had afterward been found unsatisfactory in some respects and the Legislature passed an Act to amend it. The Supreme Court, however, decided that in cases carried before it on appeal the Provincial Legislature had no jurisdiction over the subject. If, therefore, this law were repealed, the Provincial Legislature would have no power to substitute anything else for it, not even a law to provide for the discharge from arrest of an unfortunate debtor, who would be left completely at the mercy of any relentless creditor who chose to pursue him. If the supporters of this Bill pressed it upon the House he would offer an amendment exempting the Province of New Brunswick from its operation.

**Mr. JONES (Halifax)** desired to say a few words in support of the opinions of the merchants of Halifax. He thought that in all business communities it was necessary to have a well regulated and well defined law regarding debtor and creditor. Previous to the Union, Nova Scotia laboured under disadvantage in not having a good insolvency law. They had endeavoured on many occasions to frame such a law as would be acceptable, but from one cause or another they had not been successful. He had known on many an occasion where a debtor had been compelled to meet his creditors and was so entirely at their mercy that he had been driven from the country. He had seen the want of a well adjusted measure and thought that one should, in a new country like this, profit by the experience of older countries like Great Britain and the United States. Some amendments to our law might be necessary. He would not say that it was perfect, but he held that those gentlemen who held views in favour of repealing it were bound to give better reasons than they had yet been able to do for such repeal.

The chief arguments that he had heard against it had not been so much against the law itself as against its administration. (*Hear, hear.*) Most of the gentlemen who had spoken had taken ground chiefly against the expense which attends the administration of the law and the imperfect manner in which it was administered. He held that if such were the case, they should not take the grave step of repealing the Act, but should offer some amendment which would enable the law to be carried out in the way most desirable.

It had been said that in the Province of Quebec they would be in a better position than the other Provinces, if this law were repealed, and he would say that if such a law existed in the Lower Provinces as that now in force in Quebec, there would perhaps not be the same objection to repealing the Act. But it should be remembered that if this law were repealed they would simply have to revert to the machinery of olden times. Then again there would be no provision for winding up estates at present in bankruptcy, and hon. gentlemen should show how they proposed to meet that objection. It was much easier to pull down than to build up, and until they proposed some better law it should remain as it was. When giving the vote he did on a previous occasion, he thought he was in accord with the commercial community of Halifax, but the day following



he received a telegram from the President of the Chamber of Commerce, which he would read:—

“The Chamber of Commerce unanimously desire our representatives to use their exertions to prevent the repeal of the Insolvency Act.”

He considered that an opinion coming from such a body, representing every branch of commercial industry, was entitled to every respect at the hands of hon. members. He understood that similar expressions of opinion had emanated from all the business centres in the country (*Cries of no, no*); at all events, he believed petitions had been received from Montreal, Toronto, Hamilton, St. John, Halifax and other places, and he could safely say that they were among the leading business centres of the Dominion. The Dominion Board of Trade had also expressed a similar opinion, and he contended that the views of those bodies represented public opinion. He hoped the good sense of the House would reverse the vote given on a previous occasion and sustain the Act. (*Hear, hear.*)

**Mr. SAVARY** had not had an opportunity of speaking on the subject before and desired now to say a few words. His hon. friend, the mover of the Bill (Mr. Colby), had referred to the vote of last session as evidence of the feeling which prevailed against the Insolvency Act. He (Mr. Savary) did not think it would bear that construction. In the first instance, several members representing important commercial constituencies had reversed their votes of last session, and in the second place the vote was taken at a late stage of the Session when many members had left. Nor did he believe that the vote taken the other evening was a fair indication of the feeling of the House and the country, as there were at least sixty members absent when the vote was taken. It could not be denied that the Insolvency Law of 1869 was an important measure, and he would impress upon the House the necessity of exercising the utmost care in dealing with the matter; they should not hurriedly repeal a measure of so much importance.

The hon. gentleman (Mr. Colby) who moved the second reading of this Bill had stated that the Insolvency Law was passed solely in the interest of the debtor, and that it was demoralizing in its effects. He (Mr. Savary) contended that it fully protected the creditors by enabling them fairly to distribute among themselves the property of the debtor, when he became insolvent, and he read several clauses of the Act in support of his view. It had been contended that the Law encouraged recklessness, but he did not think so. The creditors had the power of putting an estate in insolvency if they thought that a man was conducting his business in a manner to lead to bankruptcy, and could secure his property and distribute it rateably among all the creditors. How then did the Act encourage recklessness among debtors?

Many members had stated that an Insolvency Law should not only exist in times of commercial depression and that in prosperous times like the present there was no necessity for such a law. He was not of that opinion. In times of prosperity many were induced to embark on reckless adventures which often turned out disastrously and led to bankruptcy. The promoter of this Bill had admitted that a

law was necessary to discharge debtors from their obligations in times of commercial pressure and in that he had admitted the principle that we ought to have such a law. When the Act was passed, it was intended to be experimental and was limited to a period which ended in 1873, and he would ask the hon. gentlemen to let the experiment work itself out in order that we might have further and better proof of the successful working of the Act. Prior to the passing of this Act, there had been no satisfactory law in the Lower Provinces and if the House insisted upon its repeal he would support the amendment of the member for St. John (Hon. Mr. Gray) and endeavour to have Nova Scotia also exempted from the operation of the Bill now before the House.

**The SPEAKER** reminded the hon. gentleman that he was not speaking on any particular motion, having only alluded to one that he intended to make.

**Mr. SAVARY** said that the motion he rose to make was this:

That the Speaker do not now leave the chair, but that the Insolvency Act of 1869, with its amendments, be referred to a Special Committee with instructions to report such amendments as the commercial interests of the country require, with power to send for persons, papers and records.

A point of order was hereupon raised, which, having been argued by several hon. members, **The SPEAKER** ruled the motion out of order.

I think the Motion is out of Order, for this reason: The House has affirmed the propriety of this Bill being referred to a Committee of the Whole House, although it is true that the Order is capable of being delayed by motion and suspended for months, perhaps forever, practically, yet that decision has not been come to by the House, and it having been decided that the Bill be referred to a Committee of the Whole House it is not open at this stage for the hon. member to move that the Bill be referred to a Select Committee. If the hon. Member had confined himself to an abstract proposition, I think he would have been in order; but he has not done so; he has merely asked to delegate to another body the power of dealing with this measure, which the House has already resolved shall be dealt with by a Committee of the Whole.

**Hon. Mr. ANGLIN** moved, in amendment: “That the Speaker do not now leave the chair, but that the House go into Committee upon the said Bill this day three months.” He said that the experience of the commercial community of the Lower Provinces had been that the law worked satisfactorily, and they were opposed to its repeal.

**Mr. SAVARY** said that the hon. member for Oxford North (Mr. Oliver) had asserted that the lawyers were interested in the repeal of the law, but that argument was answered by the fact that there were as many lawyers in favour of the Act as there were against it. It seemed to him that the proposed legislation was too hasty, they had only had the Insolvency Law on the Statute Book since 1869, and it did not come into operation until September of that year. If it was thought necessary to give timely notice of its taking effect, surely it

May 2, 1872

would only be fair to give similar warning to its repeal. Many merchants had given credit on the faith of provisions of the Law, and they should be protected. He thought the House should wait for petitions against the Law before repealing it.

**Mr. HARRISON** said the reason he proposed to advance to the House for not at once going into Committee was that the Insolvency Law had worked tolerably well, and they ought to give it a fair trial. He had received a resolution recently passed by the Board of Trade of Toronto that this Board considers that the repeal of the Insolvency Laws would be a grave injustice to honest but unfortunate traders, and that the amendments petitioned for by this Board will be sufficient to protect the honest from being taken advantage of by dishonest traders. Under the operation of the Insolvency Act, the estate goes into the pockets of the creditors, instead of into those of the lawyers. There were men whose business—before the passing of the Act—consisted chiefly in collection. He knew of one man whose business had been completely ruined by the Insolvency Act, and many had lost to a large extent from the same cause. The arguments had gone to show that in some respects the law had worked badly, but they had not stated that the defect could not be remedied.

He had introduced a Bill which embodied a good many of the amendments suggested by the Board of Trade of Toronto. The repeal of the Law would be equally prejudicial to debtor and creditor. No man would affirm that a man who had been unfortunate should forever have a mill stone around his neck. Unless we give honest men a chance to recover themselves they will be driven from our country. If the law should be repealed, the result in Ontario would be that the first execution would sweep away everything, and the unscrupulous creditor would get all, while the others would get nothing at all.

The law of the Province of Quebec was better in some respects than that of Ontario, as the proceeds of the sale were there distributed among all the executions. The Boards of Trade of Montreal, Toronto, Halifax and St. John had petitioned against the repeal of the law and the hon. member for Hamilton (Mr. Magill), while voting for the repeal of the law, had presented a petition from the Board of Trade of Hamilton, praying that the law might not be repealed. He hoped that the representatives of Quebec would vote with Ontario against the repeal of the law.

**Mr. COLBY** said that the hon. gentleman had appealed to the magnanimity of the representatives of Quebec. He had no desire to oppose the interests of the people of Ontario, but he found that each successive vote on his Bill had gradually increased the number from both Ontario and Quebec in its favour.

**Mr. WORKMAN** would not detain the House but the hon. member for Stanstead (Mr. Colby) had referred to members who had had experience in the working of the Act. He (Mr. Workman) claimed that he had had more experience than any

other merchant in the House, and from that experience—and he could also speak for the merchants of Montreal generally—he considered that the Act had worked admirably, especially since the amendments of 1869. He regretted that in conversation with members of the House since the last vote was taken, he found that they had given their vote without really knowing the working of the Act. He expected a petition by the next mail from the merchants of Montreal against the repeal of the law.

There had been a charge made against the merchants of Montreal, that they were sending their goods to the right and left, and that at twenty-five per cent in the dollar. The charge was too absurd to receive credit, as if such were the case they would be making a present to their customers of Ontario of 75 per cent upon all the goods they furnished to them. As the authenticity of the petition of the Board of Trade had been doubted by the hon. member for Stanstead, he would state that that petition had since received the unanimous assent of the Board.

**Mr. COLBY** said that when he made the statement, he did so subject to conversion. He had today heard of the petition which the hon. member for Montreal Centre (Mr. Workman) expected by next mail to the effect that it was being taken around for signature by an official assignee.

**Mr. MAGILL** in explanation to the remarks of the hon. member for Toronto West (Mr. Harrison), said that the petition of the Board of Trade of Hamilton against the repeal of the Insolvency Law was signed by only seven members of that Board, one of whom was an official assignee, whilst he held in his hand a petition of 67 merchants of that city praying that the Act may be repealed or suspended for a period of five years.

The vote was then taken on **Hon. Mr. ANGLIN'S** amendment, resulting in:—Yeas 69; Nays 77.

**Mr. HARRISON** moved an amendment that it be an instruction to the Committee to except the Province of Ontario from the operation of the Bill.

**Hon. Mr. BLAKE** thought the motion out of order.

**The SPEAKER** ruled that the committee had already power to except any portion of the Dominion, and the instruction was therefore unnecessary.

The House then went into Committee.

**Mr. MILLS** in the chair.

**Mr. JONES (Halifax)** moved that the Committee should rise and the Chairman order the Committee to divide. An animated and rather amusing scene ensued, members on each side endeavouring to detain others from crossing the floor.



The Chairman pronounced the motion lost.

The Committee adopted the Bill without amendment and rose. Third reading of Bill ordered for tomorrow.

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### SUPERANNUATION

The adjourned debate on **Mr. JOLY's** motion,—

That the House do resolve itself into a Committee of the Whole forthwith, to consider a resolution respecting the Superannuation Fund.

On the motion that the Speaker should leave the chair,

**Hon. Mr. MORRIS** said the Minister of Finance (**Hon. Sir Francis Hincks**) had already called the attention of the House to the fact that the motion was not in order, inasmuch as it proposed to deal with a part of the Consolidated Revenue.

**Hon. Mr. MACKENZIE** stated that the Minister of Finance had distinctly stated that he would not raise the point of order.

**Hon. Mr. MORRIS** said the Minister of Finance had said he hoped the motion would not be pressed so that he need not raise the point of order.

A discussion arose on the point of that resolution being in order or not, at the close of which the Speaker requested time to consider the point.

**Hon. Mr. DORION** thought the question was very important, and that it required the attention and action of the House, and the Government might obtain the views of the House by allowing the discussion to proceed.

**Hon. Sir GEORGE-É. CARTIER** said the Minister of Finance had fully explained the matter previously and had stated that he would not raise the point of order until the matter had been discussed.

**Hon. Sir FRANCIS HINCKS** asked if the member pressed the matter.

**Mr. JOLY** said he had paid special attention to the matter, and did not want to press the matter merely for the sake of getting his motion passed. If Government would promise to make such deduction as would be justified, he would be satisfied.

**Hon. Mr. MACKENZIE** believed that something like this scheme was necessary, but did not think it could be yet decided what reduction could be made, but the Government ought to allow full discussion. If the Government would not give the promise asked, they should not stay discussion.

**Hon. Sir FRANCIS HINCKS** had already stated clearly the views of the Government. The member for Lotbinière (**Mr. Joly**) had no doubt every desire to do justice, but the point was this: Was the Government to establish a fund for the widows and orphans of the members of the Civil Service? He must say distinctly, no!

He admitted that the Fund at the present moment was larger than was being paid out, but it was too soon to decide whether a reduction could be made. As an individual, he would rather have had a Superannuation Fund, without charge on officer's salary, but the Government did not think the House would pass such a scheme. He had taken a rate which he considered sufficient and if it proved too much, the Government would be quite prepared to reduce it, but they could not act as an Insurance Company. He had hoped the motion would be withdrawn.

**Hon. Mr. DORION** said there was this injustice that the present officers might be paying more than was necessary. He would suggest that four per cent should be retained and the balance returned every year.

**Hon. Sir GEORGE-É. CARTIER** said the suggestion was good, but the working of the Civil Service Act would scarcely admit of its being fully carried out. If it was shown that the percentage was too great, let it be reduced.

**Hon. Mr. BLAKE** said it was necessary there should be this fund, but it would be an unnecessary extension to form a fund for widows and orphans, and that the matter was met by the present arrangement. It was expedient to allow time to decide what should be the rate. The member for Lotbinière had proved, however, that there was a large accumulation of unexpended money, and he thought the suggestion of the member for Hochelaga (**Hon. Mr. Dorion**) was worthy of immediate consideration and the Government should give some reason why the accumulation should not be redistributed while it was possible to return it to those who had subscribed it. He believed it necessary that the Government should err on the right side, but referring to the pension mentioned by the member for Northumberland (**Hon. Mr. Hutchison**), maintained that it had been wrongly granted. It appeared that the appointment had been made when the person was over 70 years of age, which was itself a condemnation.

**Hon. Sir FRANCIS HINCKS** was sorry this question should have again been brought forward especially in connection with the present matter. If there had been a "fraud committed", it should have been dealt with on its own merits. The individual had been appointed after many years' service to the Crown, and as to his being paid by commission, many persons were paid in New Brunswick by commission. At Confederation the salary system was adopted and the person in question was put on salary. Subsequently, the department with which he was connected recommended, on medical certificate, that he should be superannuated. The Treasury Board dealt with the matter and, in fact, any hardship in the case was sustained by the person in question.

May 2, 1872

**Hon. Mr. MACKENZIE** asked what proportion of the time of the person was devoted to the public service while on commission, and what fees he received.

**Hon. Sir FRANCIS HINCKS** said, before the Dominion there were Commissioners, of which the person in question was one, and the member for Northumberland (Hon. Mr. Hutchison) was another. That member had done nothing but supply everything out of his own store at his own prices, while the gentleman whose pension had been called in question had done all the work. The Minister of Marine (Hon. Senator Mitchell) had thought this a very bad system and had appointed the gentleman in question at a fixed salary to do the whole work. There was no injustice, and if there was, why was not the matter brought up on its merits? The gentlemen opposite seemed inclined to agree with the Government on the general question.

**Hon. Mr. HUTCHISON** said he desired to state the truth of the matter. As to the gentleman in question having done the whole work, he (Hon. Mr. Hutchison) had invariably accompanied him on his trips; and, as to the supplies, they could not have been obtained at a cheaper rate elsewhere. He repeated that the pension was a fraud on those who subscribed to the fund.

**Hon. Mr. TILLEY** rose to explain the matter stating that the case was exactly parallel to that of Custom House officers in Nova Scotia who, before Confederation, were paid at 10 per cent on the revenue they collected, but were afterwards appointed at salaries. In the present case, the officer had been appointed by the Government of New Brunswick as a Commissioner of Lights within a section of the Province. He held that position until Confederation when, there being no superannuation in contemplation, he was appointed Inspector of Light-houses for the whole Province at a salary of \$1,200. After being three or four years in the Service, he became incapacitated on twenty years service, but the Treasury Board, from the fact that the commissions received during many years were small as compared with the salary, decided that he should only be superannuated on ten years' service.

**Hon. Mr. MACKENZIE** asked what time the gentleman had devoted to his work when on commission, and what was the amount of the remuneration.

**Hon. Mr. TILLEY** could not say, but the reduction was made especially on account of the small remuneration.

**Hon. Mr. ANGLIN** did not know how to characterize the attempt to create an impression in the House and country that the gentleman was in any sense of the term an officer of the Government of New Brunswick entitled to any consideration on this account. The appointment was merely honorary, the amount received being only 45 dollars among three gentlemen, and he would like to hear the Minister of Customs (Hon. Mr. Tilley)

attempt in New Brunswick to make such a statement as he had just done. As to the member for Northumberland (Hon. Mr. Hutchison), throughout the length and breadth of the Province his honour and unimpeachable veracity were unquestioned.

**Hon. Mr. BLAKE** thought the fact of an appointment of a person over 70 years in age required explanation.

**Hon. Sir FRANCIS HINCKS** was not conversant with the particulars, but it was perfectly obvious that he was appointed because he had previously held the position.

**Hon. Mr. BLAKE** denied that the two positions were at all alike.

**Hon. Mr. TILLEY** said, as an illustration, he might point to the Minister of Finance (Hon. Sir Francis Hincks), who was over 70 and still had the confidence and support of the country.

**Hon. Sir FRANCIS HINCKS** asked whether the resolution would be withdrawn.

**Mr. JOLY** said he must refuse to withdraw his motion.

The debate was then adjourned.

In reply to the question of **Hon. Mr. MACKENZIE**, as to the order of business tomorrow,

**Hon. Sir GEORGE-É. CARTIER** said that it was expected the leader of the Government would be in his place tomorrow when the question of the Washington Treaty would be brought in. It was intended that afterwards the small Bill which was in his (Hon. Sir George-É. Cartier's) charge with regard to the Pacific Railway, should be taken up. Should the consideration of these two measures not exhaust the time at the disposal of the House, it was the intention to go into Committee of Supply.

**Mr. MACKENZIE** asked whether before the Government proceeded with what the hon. gentleman facetiously called his "small Bill" the House would be favoured with the report upon the exploratory survey of the railway. That report was absolutely necessary to a proper understanding of the question, for without it members would be completely ignorant as to the route of the proposed railway and other points which it is desirable should be fully understood.

**Hon. Mr. LANGEVIN** said the report would be brought down before the Bill was proceeded with tomorrow.

**Hon. Mr. MACKENZIE:** Printed?

**Hon. Mr. LANGEVIN:** Yes, printed.

The House adjourned at midnight.





May 3, 1872

## HOUSE OF COMMONS

Friday, May 3, 1872

The **SPEAKER** took the chair at 3 p.m.

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*Prayers*

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A number of petitions were presented.

**Hon. Sir A.T. GALT** introduced a Bill to incorporate the Manitoba Junction Railway Co.

Bill read a first time.

**Mr. MORRISON (Niagara)** introduced a Bill to incorporate the Imperial Guarantee & Loan Society. Read a first time.

**Mr. FORBES** introduced a Bill to incorporate the Bank of Batavia. Read a first time.

**Mr. YOUNG** introduced a Bill to confirm the agreement between Grand Trunk Railway Company and the Town of Galt.

Read a first time.

**Hon. Mr. LANGEVIN** laid on the table the Report of the Exploratory Survey of the Canadian Pacific Railway.

A Message was received from the Senate, intimating that a Bill had been passed by that body respecting larceny of Stamps, with certain amendments. Read a first time.

**Hon. Mr. POPE** introduced a Bill to amend the Emigration Act of 1869. Read a first time.

**Hon. Sir JOHN A. MACDONALD** then rose and said:

Mr. Speaker, I move for leave to bring in a Bill to carry into effect certain clauses of the Treaty negotiated between the United States and Great Britain in 1871. The object of the Bill is stated in the title. It is to give validity, so far as Canada is concerned, to the Treaty, which was framed last year in the manner so well known to the House and country. The Bill in itself, as I proposed to introduce it the other day, was simply a Bill to suspend those clauses of the Fishery Act which prevent fishermen of the United States fishing in the inshore waters of Canada—such suspension to continue during the existence of the Treaty. I confined it to that subject at that time because the question really before this House was whether the fishery articles of the Treaty should receive the sanction of

Parliament or not. As, however, a desire was expressed on the other side that I should enter into the subject fully on asking leave to bring in the Bill, and as on examining the Cognate Act, which has been laid before Congress at Washington, I find that all the subjects—even those subjects which do not require legislation—have been repeated in that Act in order, one would suppose, to make the Act in the nature of a contract to be obligatory during the existence of the Treaty, so that in good faith it could not be repealed during that time. I propose to follow the same course.

The Act I ask leave to bring in provides, in the first place, for the suspension of the fishery laws of Canada so far to prevent citizens of the United States from fishing in our in-shore waters. The Bill also provides that during the existence of the Treaty, fish and fish oil except the fish of the inland lakes of the United States and the rivers emptying into those lakes, and fish preserved in oil being the produce of fisheries of the United States, shall be admitted into Canada free of duty. The third clause provides for the continuance of the bonding system during the twelve years in which the treaty shall have effect and for a longer period, if not repealed; and the fourth clause provides that the right of transshipment contained in the 30th clause of the treaty shall in like manner be secured to citizens of the United States during existence of treaty. The last clause of the Bill provides that it shall come into effect whenever upon an Order-in-Council a proclamation of the Governor General is issued giving effect to the act.

In submitting the act in this form, I am aware that objections might be taken to some of the clauses on ground that having relation to questions of trade and money they should be commenced by resolution adopted in Committee of the Whole. That objection does not apply to the whole of the Bill—to those clauses which suspend the action of our fishery act; but it would affect according to the general principle the clause which provides that there shall be no duty on fish or fish oil, and also the clauses respecting the bonding system and shipment.

I do not, however, anticipate that that objection will be taken because in presenting the Bill in this form I have followed the precedent established in 1854 when the measure relating to the Reciprocity Treaty was introduced in Parliament. It was then held that the act having been introduced upon a treaty which was submitted by a message from the Crown, it became a matter of public and general policy and ceased to be merely a matter of trade. And although those hon. gentlemen who interested themselves in Parliamentary and political matters at that date will remember that the Act introduced by the Attorney General for Lower Canada in 1854, Mr. Drummond, was simply an Act declaring that various articles being the produce of the United States should during the existence of the Treaty be received free into



Canada, and that Act repealed the tariff *pro tanto*. It was not introduced by resolution, but after the Treaty had been submitted and laid on the table, and after a formal message had been brought down by Mr. Morin to the effect that the Bill was introduced with the sanction of the Governor General. I do not therefore anticipate that objection will be taken by any hon. member and I suppose that the precedent so solemnly laid down at that time will be held to be binding now. Should objection, however, be taken, the clauses of the Bill respecting the suspension of the Fishery Act and transshipment are sufficient to be proceeded with in this manner. The other portions will be printed in italics and can be brought up as parts of the Bill or separately as resolutions as may be thought best.

The Journals of the House stated that on the 21st of September, 1854, Mr. Chauveau submitted a copy of the Treaty, which was set out on the face of the Journals, on the same day Mr. Drummond asked leave of the House to bring in a Bill to give effect to a certain treaty between Her Majesty and the United States of America; and on the 22nd on the order of the day for the second reading of the Bill, Mr. Morin, by command, brought down a message from the Governor General signifying that it was by His Excellency's sanction it had been introduced, whereupon the House proceeded to the second reading. That Bill was a simple one declaring that various articles mentioned in the Treaty should, during the existence of the Treaty, be admitted into this country free of duty.

The House now, Mr. Speaker, if they give leave that this Bill shall be introduced and read a first time, will be in the possession of all those portions of the Treaty of Washington that in any way come within the action of the Legislature. Although the debate upon this subject will, as a matter of course, take a wide range and will properly include all the subjects connected with the Treaty in which Canada has any interest, yet it must not be forgotten that the Treaty as a whole is in force with the particular exceptions I have mentioned. And the decision of this House will, after all, be simply whether the articles of the Treaty extending from the 18th to the 25th shall receive the sanction of Parliament, or whether those portions of the Treaty shall be a dead letter. This measure has excited a great deal of interest, as was natural, in Canada, ever since May, 1871 when the Treaty was signed at Washington. It has been largely discussed in the public prints and opinions of various kinds have been expressed upon it—some altogether favourable, some altogether opposed, and many others of intermediate shades of opinions—and among other parts of the discussion has not been forgotten, the personal question relating to myself—the position I hold as a member of this Government, and as one of the High Commissioners at Washington.

Upon that question I shall have to speak by and bye, yet it is one that has lost much of its interest, from the fact that by the introduction of this Bill the House and country will see that

policy of the Government, of which I am a member, is to carry out or try to carry out the Treaty, which I signed as a plenipotentiary of Her Majesty. Under the reservation made in the Treaty, this House and the Legislature of Prince Edward Island have full power to accept the fishery articles or reject them. In that matter, this House and Parliament have full and complete control. (*Hear, hear.*) No matter what may be the consequences of the action of this Parliament, no matter what may be the consequences with respect to future relations between Canada and England or between Canada and the United States, or between England and the United States, no matter what may be the consequences as to the existence of the present Government of Canada, it must not be forgotten that this House is fully charged with the right of rejecting the clauses of the Treaty if they please, and maintain the right of Canada to exclude Americans from inshore fisheries as if the Treaty had never been made. (*Hear, hear.*) That reservation was fully provided in the Treaty. It was made a portion of it—an essential portion—and if it had not been so made, the name of the Minister of Justice of Canada would not have been attached to it. (*Hear, hear.*) That right has been reserved and this Parliament has full power to deal with the whole question. I will by and by speak more at length as to the part I took in the negotiations; but I feel that I performed my duty, a grave and serious duty but still my duty, in attaching my signature to the Treaty as one of Her Majesty's representatives and servants. (*Hear, hear.*)

Now, Sir, let me enter into a short retrospect of occurrences which transpired for some years before arrangements were entered into for negotiating the Treaty. The Reciprocity Treaty with the United States existed from 1854 to 1866, in which latter year it expired. Great exertions were made by the Government of Canada and a great desire was expressed by the Parliament and people of Canada for a renewal of that Treaty. It was felt to have worked very beneficially for Canada. It was felt to have worked also to the advantage of the United States; and there was a desire and a feeling that these growing interests which had been constantly developing and increasing themselves during the existence of the Treaty would be greatly aided if it were renewed and continued. I was a member of the Government at that time with some of my hon. friends who are still my colleagues, and we took every step in our power, we spared no effort, we left no stone unturned, in order to gain that object.

The House will remember that for the purpose of either effecting a renewal of the treaty, or if we could not obtain that of arriving at the same object by means of concurrent legislation, my hon. friend the member for Sherbrooke (Hon. Sir A.T. Galt), at that time Finance Minister, and the present Lieutenant Governor of Ontario (Mr. W. A. Howland) went to Washington on behalf of the Government of Canada. It is a matter of history that all their exertions failed, and after their failure, by the general consent—consent in which I believe the people of Canada were as one man—

May 3, 1872

we came to the conclusion that it would be humiliating to Canada to make any further exertions at Washington or to do anything more in the way of pressing for the renewal of that instrument, and the people of this country with great energy addressed themselves to find other channels of trade, other means of developing and sustaining our various industries, in which I am happy to say they have been completely successful.

Immediately upon the expiration of the Treaty our right to the exclusive use of the inshore fisheries returned to us, and it will be in remembrance of the House that Her Majesty's Government desired us not to resume that right to the exclusion of American fishermen, and that the prohibition of Americans fishing in those waters should not be put in force either by Canada or the Maritime Provinces. All of the Provinces, I believe, declined to accede to these suggestions, and it was impressed strongly on behalf of the late Province of Canada that it would be against our interest if for a moment after the Treaty ceased we allowed it to be supposed that American fishermen had a right to come into our waters as before; and it was only because of the pressure of Her Majesty's Government and our desire to be in accord with that Government, as well as because of our desire to carry with us the moral support of Great Britain and the physical assistance of her fleet, that we assented with great reluctance to the introduction of a system of licences for one year at a nominal fee or rate. This was done eventually by us for the purpose of asserting a right.

No greater or stronger mode of asserting a right and obtaining the acknowledgement of it by those who desired to enter our waters for the purpose of fishing could be devised than by exacting payment for the permission, and therefore it was that we assented to the licensing system. (*Hear, hear.*) Although in 1866 that system was commenced, it did not come immediately into force. We had not then fitted out a Marine Police Force, for we were not altogether without expectation that the mind of the Government of the United States might take a different direction, and that there was a great possibility of negotiations being renewed respecting the revival of the Reciprocity Treaty, and therefore although the system was in force, it was not rigidly put in force, and no great exertion was made to seize trespassers who had not taken out licences.

In the first year, however, a great number of licences were taken out, but when the fee was increased so as to render it a substantial recognition of our rights the payments became fewer and fewer, until at last it was found that the vessels which took out licences were the exception and that the great bulk of fishermen who entered our waters were trespassers, and in addition to that the fact that our fisheries were invaded, and that we were receiving no consideration for the liberty, that our rights were invaded boldly and aggressively. It was now stated by the American Government or members of the American Cabinet that the renewal of the Reciprocity Treaty was not only inexpedient, but unconstitutional, and that no such renewal would be made.

The Government of Canada then, in 1870, after conference with the Imperial Government and after receiving the promise of the

Imperial Government that we should have the support of their fleet in the protection of our just rights—a promise which was faithfully carried out—prepared and fitted out a sufficient force of Marine Police Vessels to protect our rights, and I am glad to believe that that policy is perfectly successful. Great firmness was used, but, at the same time, great discretion—there was no harshness, and no seizures were made of a doubtful character. No desire to harass the foreign fishermen was evidenced but, on the contrary, in any case in which there was doubt, the officers in command of the seizing vessels reported to the head of their Department, and when the papers were laid before the Government they in all cases gave the offending parties the benefit of the doubt.

Still, as it would be remembered, some of the fishermen laid complaints, which complaints although unjust, I am sorry to say, were made and supported on oath, of harshness on the part of the cruisers, and an attempt was made to agitate the public mind of the United States against the people of Canada. There was at that time a feeling on the part of a large portion of the people of the United States, which feeling I am however happy to say has since disappeared, that the action of Canada was very unfriendly. Her Majesty's Government was, of course, appealed to by the authorities of the United States on all these subjects, and the complaints were handed by one Government to the other, and proved a source of great irritation.

While this feeling was being raised in the United States, there was, on the other hand, a feeling among our fishermen that our rights were to a very great degree invaded. In order to avoid the possibility of dispute, in order to avoid any appearance of harshness, in order, while we were supporting our fishery rights, to prevent any case of collision between the Imperial Government and the United States or between the Canadian authorities and the United States, we avoided making seizures within the bays, or in any way bringing up the "headland question." This was very unsatisfactory, because, as it was said by the fishermen, "if we have these rights, they should be protected." And it was, therefore, well that that question should be settled at once and forever.

In addition, however, to the question of headlands, a new one had arisen, of an exceedingly unpleasant nature. By the wording of the Convention of 1818, foreign fishermen were only allowed to enter our waters for the purposes of wood, water, and shelter; but they claimed that they had a right, although fishing vessels, to enter our ports for trading purposes; and it was alleged by our own fishermen that under pretence of trading, American fishermen were in the habit of invading our fishing grounds, and fishing in our waters. The Canadian Government thought it therefore well to press, not only by correspondence but by a delegate, who was a member of the Government, upon Her Majesty's Government the propriety of having that question settled with the United States, and consequently my friend and colleague, the Postmaster General (Hon. Senator Campbell), went to England to deal with that subject. The results of his mission are before Parliament. At the same time that he dealt with the question I have just mentioned, he pressed



upon the consideration of Her Majesty's Government the propriety of England making on our behalf a demand on the United States Government for reparation of the wrongs known as the Fenian Raids. England agreed to press upon the United States both these matters, and to ask that all the disputed questions relating to the inshore fisheries under the Convention of 1818 should be settled in some mode to be agreed upon between the two nations, and also to press upon the United States the wrong sustained by Canada at the hands of citizens of the United States who had invaded our country.

Before Her Majesty's Government had actually, in compliance with their promise, made any representation on these two subjects to the United States Government, England had been engaged on her own behalf in a controversy of a very grave character. It was known that what was commonly known as "the Alabama claims" was a subject of dispute between the two countries, involving the gravest consequences and that hitherto the results had been most unsatisfactory. An attempt had been made to settle the question by what was known as the Stanley-Johnson Treaty, but that treaty had been rejected by the United States authorities. So long as this question remained unsettled between the two nations there was no possibility of the old friendly relations that had so long existed between them being restored, and England felt that it was of the first importance to her that those amicable relations should be restored. It was not only her desire to be in the most friendly position towards a country which was so closely associated with her by every tie—by common origin, by common interest, by common language—but it was also her interest to have every cloud removed between the two nations because she had reason to feel that her position with respect to the other great powers of the world was greatly affected by the knowledge which those other nations had of the position of affairs between the United States and herself.

The prestige of Great Britain as a great power was affected most seriously by the absence of an entente cordiale between the two nations. Two years ago, England was, as a matter of course, greatly interested in the great and serious question which was then convulsing Europe and was in danger of being drawn by some complication into the hostile relations of some of the conflicting powers, and she felt,—and I speak merely what must be obvious to every hon. member in the House—that she could not press or assert her opinion with the same freedom of action, so long as she was aware and so long as other nations were aware that in case she should be unfortunately placed in a state of hostility with any nation whatever, the United States Government would be forced, by the United States people, to press it at that very time when she might be engaged in mortal conflict with another nation—for a settlement of those Alabama claims.

Hence, Mr. Speaker, the great desire of England, in my opinion, is that that great question should be settled, and, hence also, the intermingling of the particular questions relating to Canada with the larger Imperial questions. Sir, in my opinion, it was of greater consequence to Canada than to England that the Alabama question should be settled. (*Cheers.*) Sir, England has promised to us, and we have all faith in that promise, that in case of war the whole force of

the Empire should be exerted in our defence. (*Cheers.*) What would have been the position of England, and what would have been the position of Canada, if she had been called upon to use her whole force to defend us when engaged in conflict elsewhere. Canada would, as a matter of course, in case of war between England and the United States, be the battle ground. We should be the sufferers, our country would be devastated, our people slaughtered, and our property destroyed; and while England would, I believe, under all circumstances, faithfully perform her promise to the utmost (*Cheers*), she would be greatly impeded in carrying out her desire if engaged elsewhere.

It is, therefore, as much the interest of this Dominion as of England that the Alabama and all other questions that in any way threatened the disturbance of the peaceful relations between the two countries should be settled and adjusted. Therefore, although to a considerable extent I agree with the remarks that fell from the Minister of Finance (Hon. Sir Francis Hincks) when he made his Budget speech—that looking at the subject in a commercial point of view, it might have been better in the interest of Canada that the fishery and Fenian questions should have been settled free and apart from the Imperial question—I am pleased, and I was pleased that the fact of Canada having asked England to make these demands upon the United States, gave an opportunity for reopening the negotiations with respect to the Alabama and other matters. It was fortunate that we made that demand, for England could not, with due self respect, have initiated or reopened the Alabama question. She had concluded a treaty in London with the representative of the United States, and this treaty having been rejected by the Supreme Executive of the United States, England could not herself have reopened negotiations on the subject. Therefore, it was fortunate, I say, for the peace of the Empire and for the peace of Canada, that we asked England to make these demands upon the United States as it afforded the opportunity of all these questions being made again the subject of negotiations.

The correspondence which is before the House between the Secretary of State of the United States and the British Ambassador, Sir Edward Thornton, has shown how that result was arrived at. The invitation was made by the British Ambassador to consider the Fishery Question. The United States Government, I have no doubt, although I do not know it as a matter of fact, by a quiet and friendly understanding between the two powers replied acceding to the request on condition that the larger and graver matters of dispute were also made a matter of negotiation. Hence, it was, Sir, that the arrangements were made under which the Treaty of Washington was effected.

Sir, I have said that it was of the greatest consequence to Canada, and to the future peace and prosperity of Canada, that every cloud which threatened the peace of England and the United States should be dispelled. I was struck with an expression that was used to me by a distinguished English statesman, that those powers in Europe who are not so friendly to England heard with dismay that the entente cordiale between the two nations was to be renewed (*Hear, hear*),

May 3, 1872

and you have seen mentioned in the public press the active exertions that were made by one power, or by the representative of one power, for the purpose of preventing that happy result (*Hear, hear*), and although Mr. Catacazy has been disavowed by the Government of Russia, in the same way as poor Mr. Vicovich was on a previous occasion when he was the organ of Russia in the East and in India, I cannot but feel that he was punished only because his zeal outran his discretion. I can vouch for his active exertions for the purpose of preventing this Treaty of Washington receiving the sanction of the Senate of the United States. (*Hear, hear.*)

While England, therefore, was strongly interested in the settlement of the questions both for herself and for Canada, the United States was also interested and made overtures in a most friendly spirit. I believe that there was a real desire among the people of the United States to be friendly towards England. I believe that the feeling of irritation which had been caused by the unhappy events of the war, and by the escape of the *Alabama*, had almost entirely disappeared, and I hope and believe that the people of the United States were then and are now strongly in favour of establishing a permanent friendly and amicable feeling between the two nations.

Then, besides, she had of course a further interest. So long as the United States and England were not on friendly terms, so long as they were standing aloof from each other, it affected very considerably the credit of the United States Fund. Not only the fund of the United States as a whole, but of every State of the Union, and all interests seeking the markets of the world were affected in consequence of these relations. They were, therefore, both prepared to meet each other in this negotiation.

To proceed with the history of the circumstances immediately preceding the formation of the Joint High Commission at Washington, I will state that on the first February, 1871 a communication was made to me by His Excellency the Governor General on behalf of Her Majesty's Government, asking me in case there was going to be a joint commission to settle all questions between England and the United States, whether I would act as a member of that Commission. I give the date because it has been asked for. The communications were verbal to myself; they were in consequence of telegraphic communications to His Excellency which cannot be printed, being of a nature which the House can readily understand ought not properly to be laid before this House. This communication was, in the first place, for myself alone. I was not allowed to communicate it for the time to anyone else. My reply was naturally that I would be greatly embarrassed by any injunction of secrecy as regards my colleagues, and that under no circumstances would I accept the position without their consent. I received permission to communicate it to them and I received their consent to act upon the Commission.

Before accepting, however, I took occasion, for my own information and satisfaction, to ask through His Excellency what points of difference and what points of agreement were between

England and Canada with regard to the Fisheries. The answer was a very short one, by cable, and it was satisfactory to myself. It was extended in the despatch of the 16th of February, 1871. He shortly stated that of course it was impossible for Her Majesty's Government to pledge themselves to any course; that, as it was a matter of negotiation, it was, of course, out of the question on the part of either Government to give cast iron instructions to the representatives because that would do away with every idea of a negotiation. The idea of the negotiators was that the subjects for discussion could be received in several aspects, and dealt with without any foregone conclusion. But the despatch went on to say that Her Majesty's Government considered our right to the inshore fisheries beyond dispute; that they also believed that our claims as to the headlands were just, but that those claims might properly be a matter of compromise. It went on further to state that Her Majesty's Government believed that as a matter of strict right, we could exclude the American fishermen entering our ports for purposes of trade and commerce, and that they could only enter our waters, in the language of the Treaty, for wood, water, and shelter; but that this, in the opinion of Her Majesty's Government, would be a harsh construction of the Treaty, and might properly be a subject for compromise.

On reading that despatch, I could have no difficulty in accepting the position, to which my colleagues assented, of plenipotentiary to Washington, because, as a matter of law, our view of those three points was acknowledged to be correct, and the subject was therefore devoid of any embarrassment from the fact of Canadians setting up pretensions which Her Majesty's Government could not support. (*Hear, hear.*)

When the proposition was made to me I must say that I felt the greatest embarrassment, and I felt great reluctance to become a member of the Commission. I pointed out to my colleagues that I was to be one only of five, that I was in a position of being overruled continually in our discussions, and that I could not by any possibility bring due weight from my isolated position. I felt also that I might not receive from those who were politically opposed to me that support which an officer going abroad on behalf of his country generally received and had a right to expect. (*Hear, hear.*) I knew that I would be made a mark of attack, and it is well known that my conviction was right. I knew that I would not get fair play. (*Hear, hear.*) I knew that the same policy that had been carried out towards me for years and years would continue, and therefore it was a matter of grave consideration for myself in that position.

Sir, a sense of duty prevailed (*Cheers*), and my colleagues pressed upon me also that I would be wanting in my duty to my country if I declined the appointment; that if from a fear of the consequences, from a fear that I would sacrifice the position I held in the opinions of the people of Canada, I should shirk the duty and would be unworthy of the confidence that I had received so long from a large portion of the people of Canada. (*Cheers.*) What, said my colleagues, would be said if in consequence of your refusal Canada was not represented, and her interest in these matters



allowed to go by default? England, after having offered that position to the First Minister, and it having been refused by him, would have been quite at liberty to have proceeded with that Commission and the settlement of all these questions without Canada being represented on the Commission, and those very men who attack me now for having been there and taken a certain course would have been just as loud in their complaints and just as bitter in their attacks, because I had neglected the interests of Canada. (*Cheers.*)

Sir, knowing as I said before what the consequences would be to myself of accepting that office, and foreseeing the attack that would be made upon me, I wrote a letter, which I do not read here now because it is a state paper addressed to His Excellency the Governor General informing him of the great difficulties of my position and that it was only from a sense of duty that I accepted the position. (*Cheers.*) On proceeding to Washington I found a general desire among the two branches into which the Joint High Commission divided itself, an equal desire I should say, on the part of the United States Commissioners as well as of the British Commissioners that all questions should be settled so far as the two governments could do so. There was a special desire that there should be a settlement.

It was very easy for the Commissioners, or the Government through their representatives, to make a Treaty, but in the United States there is a power above and beyond the Government, the Senate of the United States, which had to be considered. It was felt that a second rejection of a Treaty would be most disastrous for the future of both nations; that it would be a solemn declaration that there was no peaceable solution of the questions between the two nations. Many American statesmen said to me, "the rejection of the Treaty now means war," not war tomorrow or at any given period, but war whenever England happened to be engaged in other troubles, and attack from other sources. (*Hear, hear.*) You may, therefore, imagine, Mr. Speaker, and this House may well imagine, the solemn considerations pressing upon my mind, as well as upon the minds of my colleagues, if by any unwise course or from any rigid or preconceived opinions we should risk the destruction forever of all hope of a peaceable solution of the difficulty between the two kindred nations. (*Cheers.*)

Still, Sir, I did not forget that I was their chosen representative. I could not ignore the fact that I was selected a member of that Commission from my acquaintance with Canadian politics. I had continually before me not only the Imperial question but the interests of the Dominion of Canada which I was there especially to represent, and the difficulty of my position was that if I gave undue prominence to the interests of Canada I might justly be held, in England, to be holding a purely Colonial, selfish and absorbing view, regardless of the interests of the Empire on the whole and the interests of Canada as a portion of the Empire on the other hand, that I did not keep my eye too solely on Imperial interests, but that I should do all I could for this, my country, Canada.

It was a difficult position, as the House will believe, a position that pressed upon me with great weight and severity at the time, and

it is not diminished in any way since I have returned, except from the cordial support of my colleagues and I believe also my friends in this House.

In order to show that I did not for a moment forget that I was there to represent the interests of Canada, I must ask you to look at the despatch of 16th February, 1871 which reached me at Washington a few days after I arrived there—it will be seen that Lord Kimberley uses this expression: "As at present advised, Her Majesty's Government, are of opinion that the right of Canada to exclude Americans from fishing in the waters within the limits of three marine miles of the coast, is beyond dispute, and can only be ceded for an adequate consideration. Should this consideration take the form of a money payment, it appears to Her Majesty's Government that such an arrangement would be more likely to work well than if any conditions were annexed to the exercise of the privilege of fishing within the Canadian waters."

Having read that despatch, and the suggestion that an arrangement should be made on the basis of a money payment, and there being an absence of any statement that such an arrangement could be made without it, I thought it well that I should communicate with my colleagues at Ottawa, and although we had received again and again assurances from Her Majesty's Government that those rights would not be affected, given away, ceded without consent, it was thought well, in order to obtain the opinion of Her Majesty's Government on the general points to come under discussion, and the Fisheries in particular, to communicate by cable that Canada considered the Canadian fisheries to be her property and they could not be sold without her consent.

That communication was made by the Canadian Government on the 18th March, and of that Government I was a member. And not only did that communication proceed from the Canadian Government to England, giving them fair notice that the Canadian Government, of which I was a member, would insist upon the right of dealing with her own fisheries, but I took occasion to press upon the head of that commission that my own individual opinion, as representing Canada, should be laid before Her Majesty's Government.

And the answer that came back at once by cable was extended in full in the despatch of the 17th March, 1871; it was most satisfactory, because it stated that Her Majesty's Government had no intention of advising Her Majesty to part with those fisheries without the consent of Canada. Armed with this, I felt that I was relieved of a considerable amount of my embarrassment. I felt that no matter what arrangements were made—no matter whether I was out-voted by my colleagues on the Commission, or what instructions might be given by Her Majesty's Government—the interests of Canada were safe, because they were in her own hands and reserved to her own decisions.

Now, Mr. Speaker, it must not be supposed that this was not a substantial concession on the part of Her Majesty's

May 3, 1872

Government. It is true that Lord Kimberley stated in his despatch of 17th March, that "when the Reciprocity Treaty was concluded, the Acts of the Nova Scotia and New Brunswick Legislatures relating to the Fisheries were suspended by Acts of those Legislatures, and the fishery rights of Canada as now under the protection of a Canadian Act of Parliament, the repeal of which would be necessary in case of the cession of those rights to any foreign powers."

It is true in one sense of the word, but it is also true that if Her Majesty, in the exercise of Her powers, had chosen to make a Treaty with the United States ceding not only those rights but ceding the very land over which those waters flow, that Treaty between England and the United States would have been obligatory and binding, and the United States would have held England to it. No matter how unjust to Canada, after all her previous promises, still that Treaty would be a binding and obligatory Treaty between England and the United States, and the latter would have had the right to enforce its provision, override any Provincial Laws and Ordinances, and take possession of our waters and rights. It would have been a great wrong, but the consequences would have been the loss, practically, of our rights forever, and so it was satisfactory that it could be settled, as it has been settled beyond a doubt, based upon the records in the correspondence between the United States and England, based upon the records in the State papers confirming a portion of the friendly relations between England and the United States that the rights of Canada to those Fisheries are beyond dispute, and that England cannot, and will not, under any circumstances whatever cede those fisheries without the consent of Canada. So that in any future arrangement between Canada and England or England and the United States the rights of Canada will be respected, as it is confirmed beyond dispute, that England has not the power to deprive Canada of them so that we may rest certain that for all time to come England will not, without our consent, make any cession of these interests.

Now, Mr. Speaker, to come to the various subjects which interest Canada more particularly, I will address myself to them in detail, and first I will consider the question of most importance to us, the one on which we are now especially asked to legislate, that which interests Canada as a whole most particularly and which interests the Maritime provinces especially. I mean the articles of the Treaty with respect to our fishery rights. I would in the first place say that the protocols which accompany the Treaty, and which are in the hands of every member, do not give chronologically an every day account of the transactions of the conference, although as a general rule I believe the protocols of conference are kept from day to day. It was thought better to depart from the rule on this occasion, and to only record the result, therefore, while the protocols substantially contain the result of the negotiations ended in the Treaty, they must not be looked upon as chronological details of facts and incidents as they occurred. I say so because the protocol which relates more especially to the

Fisheries would lead one to suppose that at the first meeting, and without further discussion, the British Commissioners stated: "that they were prepared to discuss the question of the Fisheries, either in detail or generally, so as either to enter into an examination of the respective rights of the two countries under the Treaty of 1818 and the general law of nations, or to approach at once the settlement of the question on a comprehensive basis".

Now the fact is that it was found by the British Commissioners when they arrived at Washington and had an opportunity of ascertaining the feeling that prevailed at that time, not only among the United States Commissioners but among the statesmen of the United States who were there assembled, and from their communications with all these sources of information, we gathered that the feeling was universal that all questions should be settled beyond the possibility of dispute in the future, and more especially that by any possibility a solution of the difficulty respecting the Fisheries could be arrived at, or a satisfactory arrangement made by which the Fishery question could be placed in abeyance as in 1854, it would be to the advantage of both nations.

It must be remembered that while the Commission sat in 1871 that the exclusion of American fishermen from our waters was enforced and kept up during the whole of 1871, and that great and loud though unjust, complaints were made that American fishermen had been excluded from our waters. Persons interested had been using every effort to arouse and stimulate the public mind of the United States, and the people of the United States against Canada and the Canadian authorities, and it was felt and expressed that it would be a great bar to the chance of the Treaty being accepted by the United States, if one of the causes of irritation which had been occurring a few months before should be allowed to remain unsettled—collisions would occur between American fishermen claiming certain rights, and Canadians asserting certain rights, the public feeling would be aroused, and all the good which will be obtained by the Treaty would be destroyed, by quarrels between man and man engaged on the fishing grounds. This feeling prevailed, and I as a Canadian knowing that the people of Canada desired, and had always expressed a wish, to enter into the most cordial reciprocal trade arrangements with the United States, so stated to the British Commissioners, and they had no hesitation, on being invited to do so, in stating that they would desire by all means to remove every cause of dissension respecting these fisheries by the restoration of the old Reciprocity Treaty of 1854.

An attempt was made in 1871 by the hon. member for Sherbrooke (Hon. Sir A.T. Galt) and Mr. Howland, on behalf of Canada, to renew that Treaty, but failed. Because the circumstances of the United States in 1871 were very different from what they were in 1854 and it appeared out of the question and impossible for the United States to agree to a



Treaty with exactly the same provisions, of exactly the same nature or of the same description as that of 1854. So the British Commissioners, finding that although a treaty similar to that of 1854 could not be obtained in words and detail, it might be obtained in spirit, and this view was strongly pressed upon the Joint Commission. This would appear from the protocol. It would also appear from the protocol that the United States Commissioners stated that the Reciprocity Treaty was out of the question, that it could not be accepted without being submitted to both branches of Congress, and there was not the slightest possibility of Congress passing such an Act, that the agreement by the two Governments to a Treaty including provisions similar in spirit to the Treaty of 1854 would only ensure the rejection of the Treaty by the Senate, and therefore that some solution must be found.

I believe that the United States Commissioners were candid and were accurate in their view of the situation. I believe that the Treaty being made at that time containing all the provisions or the essential provisions of the Treaty of 1854 would have secured its defeat. When I treat of the conferences that were held on the fisheries, I would state for the information of those members of the House who may be unacquainted with the usages in such matters that the Commissioners were not there sitting round a table individually as we are here in Parliament discussing our opinions, but that the conference was composed of two parties of the United States and England, there were two unions, there were no dissensions from either of the representatives or parties whatever individual opinions may have been.

If a question arose after discussion round the table on which the different delegates, either from England or the United States, did not express an opinion they removed and on their return they expressed whatever might be the individual opinions of the members who composed the delegation the view of their government and of the delegation of their nation. As an individual member of the British Commission and on behalf of Canada, when it was found that we could not obtain a renewal of the Reciprocity Treaty, I pressed that matters should be allowed to remain as they were, and that all means should be used to arrive in some way or other at a settlement of the disputed question in relation to the fisheries, to settle the headland, and to settle the other question in relation to trading in our ports by American fishermen. I would have been well satisfied, acting on behalf of the Canadian Government, if that had been adopted by the Imperial Government, but Her Majesty's Government felt and so instructed her Commissioners and it was so felt by the United States Commissioners that the leaving of the chance of collision between the American fishermen and Canadian fishermen, a matter of risk would destroy the great object of the whole conference, and the whole of the negotiations that were to restore the amicable relations and friendly feelings between the two nations. Therefore, Her Majesty's Government pressed

that this question should be allowed to remain in abeyance, and that some other settlement in the way of compensation to Canada should be found.

The protocol shows, Mr. Speaker, that the United States Government, through their Commissioners, made a considerable advance, or at least some advance, in the direction of Reciprocity, because they offered to exchange for our inshore fisheries in the first place the right to fish in their waters, whatever that might be worth, and they offered to admit Canadian coal, salt, fish, and after 1874, lumber. They offered Reciprocity in these articles. Although the offers made in respect to the admission of lumber were not so favourable as the last Treaty, this was a result of our efforts, and on behalf of Canada the British Commissioners said that they did not consider that that was a fair equivalent. (*Hear, hear.*)

It is not necessary that I should enter into all the discussions and arguments on that point, but it was pointed out by the British Commissioners that already a measure has passed one branch of the Legislature of the United States making coal and salt free, and stood ready to be passed by the other branch, the Senate. It was believed at that time that the American Congress for its own purpose and interest was about to take the duty off these articles, and therefore as they were going to do so, could not be fairly considered as in any way a compensation, as they were going to take off the duty whether there was a Treaty or not. Then, as regards the duty on lumber which was offered to be taken off in 1874, we pointed out that nearly a third of the whole of the time which the Treaty was proposed to exist would expire before the duty would be taken off the lumber and it was pointed out by the Commissioners that under those circumstances the offer could not be accepted as Canada had a fair right to demand compensation over and above these proposed reciprocal arrangements.

Now, Mr. Speaker, before that proposition was made I was in communication with my colleagues. The Canadian Government was exceedingly anxious that the original object should be carried out, but if we could not get reciprocity as it was in 1854 that we should be allowed to retain our fisheries until the question would be settled; but Her Majesty's Government taking a strong ground that their acceding to our wishes would be equivalent to an abandonment of carrying the Treaty into effect, the Canadian Government reluctantly said from a desire to meet Her Majesty's Government's views as much as possible, and not to allow it to be said by the Imperial authorities that from a selfish desire to obtain all our dues we had frustrated all the efforts of Her Majesty's Government, to secure peace we consented that these propositions should be made. And, so, that proposition was made to the United States, and although I do not know it as a matter of fact, I have reason to believe that if it had not been for the action of this Legislature last session we would now be passing an act for the purpose of ratifying a Treaty in which coal and salt and

May 3, 1872

lumber from Canada would be received into the United States free of duty. (*Hear, hear.*)

I have reason to believe that had it not been for the interposition of this Legislature, and I speak now of political friends as well as foes, those terms which were offered by the United States would have been the compensation to have been settled by arbitration and position of the Treaty instead of as it is now. (*Applause.*) I will tell the House why I say so. The offer was made early by the United States Government. The answer made by the British Commissioners that under the circumstances it was not a fair and adequate compensation for the privileges that were asked, and the British Commissioners at the suggestion of the Canadian Government referred the question to Her Majesty's Government whether they had not a right in addition to this offer of the United States to expect a pecuniary compensation, that pecuniary compensation to be settled in some way. That took place on the 25th of March, 1871. On the 25th of March I think the proposition was made by the U.S. Government and on the 22nd March I think two days before the resolution carried in this House by which the duty was taken off coal and salt and the other articles mentioned. Before the resolution was carried no feeling arose against the taking off of the duty on the admission of Canadian coal and salt into the United States; the American public raised no difficulty about it.

I am as well satisfied as I can be of anything which I did not see occur that the admission of Canadian coal and salt into the United States would have been placed in the Treaty if it had not been for the action of this Legislature. On the 25th of March that offer was made and it was referred to England. The English Government stated that they were quite agreed in the opinion that in addition to that offer there should be compensation in money, and then on the 17th of April the American Commissioners withdrew, as they had the right to do, their offer altogether. And why did they withdraw their offer altogether? One of the Commissioners in conversation said to me "I am quite surprised to find the opposition that has sprung up to the admission of Canada's coal and salt into our market. I was quite unprepared for the feeling that is exhibited."

I know right well what the reason was. The monopolists having the control of American coal in Pennsylvania and salt in New York so long as the Treaty would open to them the markets in Canada for their products, were willing that it should carry because they would have the advantage of both markets at once; but when the duty was taken off in Canada, when you had opened the market to them, whether or not they had the whole control of this market, whether for coal or salt, the monopolists brought down all their energies on the Senate for the admission of Canadian coal and salt into the American market and from that I have no doubt came the withdrawal by the American Commissioners of their offer.

When my hon. friend from Bothwell (Mr. Mills) said last Session, "there goes the Canadian National Policy", he little was aware of the reckless course he had taken. (*Hear, hear.*) Hon. gentlemen may laugh, but they may find it no laughing matter. The people of Canada, both East and West, will hold to strict account those who acted so autocratically in this matter. Under these circumstances, Mr. Speaker, I as a British Commissioner and as representing Canada, felt myself powerless, and when the American Commissioners made their last offer which is now in the Treaty, offering reciprocity in fisheries, that Canadians should fish in American waters and that Americans should fish in Canadian waters, and that fish and fish oil should be reciprocally free, and that if on arbitration it were found that the bargain was an unjust one to Canada, and Canada did not receive sufficient compensation for her fisheries by that arrangement, it was committed to Her Majesty's Government to say what should be done, and as will be seen by the last sentence of the protocol: "The subject was further discussed in the conference of April 18th and 19th, and the British Commissioners having referred the last proposal to the Government, and received instructions to accept it, the Treaty articles, 18 to 25, were agreed to at the conference on the 23rd of April".

Thus then it stood and it now stands that these articles from 18 to 25 are portions of the Treaty, that one of these articles reserves to Canada the right of execution or adoption, and it is for this Parliament to say whether under all the circumstances it should reject it. It is thus seen, sir, that this Reciprocity Treaty is not a mere matter of sentiment—it is a most valuable privilege, which is not to be neglected, despised, or sneered at.

With respect to the language of these articles, some questions have been raised and placed on the papers, and I asked the hon. gentlemen who were about to put them to defer them; and I now warn hon. members, and I do it with the most sincere desire to respect and vindicate the interests of Canada, if this Treaty becomes a Treaty, and we ratify the fishery articles—I warn them not to raise questions which otherwise might not be raised. I think, Mr. Speaker, there is no greater instance in which a wise discretion can be used than in not suggesting any doubt. With respect, however, to the question which was put by the hon. member for Gloucester (Hon. Mr. Anglin)—and it is a question which might well be put, and which requires some answer—I would state to that hon. gentleman, and I think he will be satisfied with the answer, that the Treaty of 1871 in that respect is larger and wider in its provisions in favour of Canada than was the Treaty of 1854, and that under the Treaty of 1854 no question was raised as to the exact locality of the catch, but all fish brought to the United States market by Canadian vessels were free. I say this advisedly, and I will discuss it with the hon. gentleman whenever he may choose to give me the opportunity. The same practice will be continued under the Treaty of 1871, unless the people of Canada maintain an objection. The warning I have just



now expressed I am sure the House will take in the spirit in which it is intended.

No hon. member will, of course, be prevented from exercising his own discretion, but I felt it my duty to call the attention of the House to the necessity for great prudence in not raising without absolute necessity a doubt as to the terms of the Treaty, and even then I doubt the discretion of raising such a doubt unless it was certain that the object would be attained.

It will be remembered that we have not given all our fisheries away, the Treaty only applies to the fisheries of the old Province of Canada; and in order that the area should not be widened, it is provided that it shall only apply to the fisheries of Quebec, Nova Scotia, New Brunswick and Prince Edward Island, so that the Treaty does not allow the Americans to have access to the Pacific Coast fisheries, nor yet to the exhaustless and princely fisheries of the Hudson's Bay. Those are great sources of revenue yet undeveloped, but after the Treaty is ratified they will develop rapidly, and in twelve years from now when the two nations shall reconsider the circumstances and readjust the Treaty, it will be found that other and great wealth will be at the disposal of the Dominion. I may be asked, though I have not seen that the point has excited any observation, why were not the products of the lake fisheries laid open to both nations, and in reply I may say that these fisheries were excepted at my instance.

It may be known that the Canadian fisheries on the North Shores of the Great Lakes are most valuable. By a judicious system of prevention we have greatly increased that source of wealth. It is also known that from a concurrence of circumstances and from situations the fisheries on the South Shores are not nearly so valuable as ours, and it therefore appeared that if we once allowed the American fishermen to have admission to our waters, with their various engines of destruction, all the care taken for many years to cultivate that source of wealth would be disturbed, injured, and greatly prejudiced, and there would be no end of quarrels and dissatisfaction, and no reciprocity, and therefore that Canada would be much better off by preserving her own Inland Lake fisheries to herself, and have no right to enter the American market with the products of those fisheries. This was the reason why the lake fisheries were not included in this arrangement.

Now, Sir, under the present circumstances of the case, the Canadian Government has decided to press upon this House the policy of accepting this Treaty and ratifying the Fishery Articles. I may be liable to the charge of injuring my own case in discussing the advantages of the arrangement because every word used by me may be quoted and used as evidence. The statement has been so thrown broadcast that the arrangement is a bad one for Canada, that in order to show to this House and the country that it is one that can be accepted, one is obliged to run the risk of his language being used before the Commissioners as an evidence of the value of the Fisheries. It seems to me that in looking at the Treaty in a commercial point of view, and looking at the question of whether it

is right to accept the articles, we have to consider that interest which is most peculiarly interested.

Now, unless I am greatly misinformed, the fishing interest, with one or two exceptions for local reasons, in Nova Scotia are altogether in favour of the Treaty; (*Hear, hear*) that they are anxious to get admission of their fish into the American market; that they would view with great sorrow any action of this House which would exclude them from that market; that they look forward with increasing confidence to a large development of their trade and of that great industry; and I say, that being the case, if it be to the interest of the fishermen and for the advantage of that interest, setting aside all other considerations, we ought not wilfully to injure that interest.

Why is it, what is the fact of the case as it stands now? The only market for the Canadian mackerel in the world is the United States. That is their only market and they are practicably excluded from it by the present duty. The consequence of that duty is that they are at the mercy of the American fishermen; they are made the hewers of wood and drawers of water for the Americans. They are obliged to sell their fish at the American's own price. The American fishermen purchase their fish at a nominal value and control the American market. The great profits of the trade are handed over to the American fishermen and they profit, to the loss of our own interests. Let anyone go down the St. Lawrence on a summer trip, as many of us do, and call from the deck of the steamer to a fisherman in his boat and see at what a nominal price you can secure the whole of his catch for, and that is from the absence of a market and from the fact of the Canadian fisherman being completely under the control of the foreigner. With the duty off Canadian fish, then, the Canadian fisherman may send his fish at the right time, when he can obtain the best price, to the American market, and be the means of opening a reciprocal and profitable trade with the United States.

If, therefore, it is for the advantage of the Maritime Provinces, including a portion of Quebec, which is also largely interested in the fisheries, that this Treaty should be ratified and that this great market should be opened to them, on what ground should we deprive them of this right? Is it not a selfish argument that the fisheries can be used as a lever in order to gain reciprocity in fish? Are you to shut them off from this great market in order that you may coerce the United States into giving you an extension of the reciprocal principle? Why, Mr. Speaker, if it were a valid argument, it would be a selfish one. What would be said by the people of Ontario if the United States had offered, for their own purposes, to admit Canadian goods free and Nova Scotia had objected, saying, "No, you shall not have that market; you must be deprived of that market forever, unless we can take in our fish also; you must lose all that great advantage until we can get a market for our fish"? Let it be a reciprocal argument, and you will see how selfish it is.

But the argument has no foundation in fact, no basis of fact, and I will show this House how: In 1854, by a strict and rigid observance

May 3, 1872

of the principle of exclusion, the American fishermen were driven out of those waters. At that time the United States were free from debt, and from taxation, and they had large capital invested in their fisheries. Our fisheries were then in their infancy. They were a peaceable people just beginning as fishermen, with little capital and little skill and their operations were very restricted. I do not speak disparagingly but in comparison with the fishermen in the United States there was an absence of capital and skill which existed there. The United States were free from taxation; they had this capital and skill and all they wanted was our Canadian waters to exercise that capital and skill. But how is it altered? It can be no lever now.

What do the United States care for our fisheries? The American fishermen are opposed to the Treaty. Those interested in the fisheries are sending petition after petition to the United States Government and Congress praying that the Treaty may be rejected. They say they do not want to come into our waters. The United States Government has gone into this Treaty with every desire to settle all possible sources of difficulty. Their fishermen complain that they will suffer by it but the United States Government desire to meet us face to face, hand to hand, and head to head, and to have an amicable settlement of all disputes. They know that they are not making political friends or gaining political strength, because nearly the whole of the United States are against the Treaty. But they desire that the ill feelings which arose during the rebellion, and from the Alabama case, should be forgotten. A feeling of friendship has grown up between the nations, and it can be no other desire than to foster and encourage that feeling which dictates the agreeing to this Treaty. The United States Government will simply say; well, if you do not like these arrangements, reject them—and the consequence may be on your own head that this friendship so auspiciously commenced is broken by unhappy collisions in your own waters.

## AFTER RECESS

**Hon. Sir JOHN A. MACDONALD** resumed as follows: I am afraid I must apologize to the House for the uninteresting manner in which I have laid the subject before the House so far. I was shewing, as well as I could, my opinion and my reasons for that opinion, that under the circumstances the Treaty, although it is not what we pressed for, ought to be accepted. I shall not pursue that branch of the subject to greater length, as during the discussion of the measure I have no doubt that I shall have again an opportunity to re-urge these and further views on the same subject as they may occur to me, or as they may be elicited. I shall however call the serious attention of the House, and especially of those members of the House who have given attention to the question in dispute, as regards the powers and validity of the several Treaties between the United States and England and the importance of this Treaty, in respect that it sets at rest now, and forever, the disputed question as to whether the Convention of 1818 was not repealed and obliterated

by the Treaty of 1854. This question, Mr. Speaker, is one that has occupied the attention of the United States and has been the subject of serious and elaborate articles.

From my point of view the pretension of the United States is erroneous and has been pressed; and we know the pertinacity with which such views are pressed by the United States. We have an example in the case of the navigation of the river St. Lawrence which while it was discussed from 1822 to 1828 and was apparently settled then forever between the two nations, was revived by the President of the United States in his address of 1870 and the difference between the point of view pressed in 1828 by the United States and that pressed in 1870 was shewn by the result of the Treaty.

**Hon. Mr. BLAKE:** Hear, hear.

**Hon. Sir JOHN A. MACDONALD:** The hon. gentleman cries “hear, hear”, and I say so too.

And, Sir, it was of great importance in my point of view that this question, which has been so pressed by American jurists, and considering also the pertinacity with which such views are urged, should be set at rest forever. The question has been strongly put in the American Law Review of April, 1871 in an article supposed to have been written by Judge Story, a jurist of long standing in the United States, and that paper, I believe, expresses his candid opinion—erroneous though I hold it to be—as a lawyer, of the rights of the Americans; and his candour is shown by this fact, as well as from the known standing of the man, that in one portion of the article he demolishes the claim of his own countrymen to the right to trade in our water. He proves by a concise and able argument that the claim of American fishermen to enter our harbours for any purpose other than wood, water, and shelter, is altogether without foundation.

The view taken by that writer and others—and among others by a writer whose name I do not know, but whose papers are very valuable from their ability—they appeared in the New York Nation—is this: The Treaty of 1783, was a treaty of peace, a settlement of boundary, and a division of country between two nations. The United States contended that that Treaty was in force, and is now in force, as it was a treaty respecting boundary, and was not abrogated or affected by the War of 1812. Under the Treaty of 1783, and by the terms of that Treaty, the fishermen of the United States had the unrestrained right to enter into all our waters up to our shores, and to every part of British North America. After 1815, England contended that that permission was abrogated by the war and was not renewed by the Treaty of Peace of 1814. The two nations were thus at issue on that very grave point, and those who look back to the history of that day will find that the difference on that point threatened the renewal of war, and it was only settled by the compromise known as the Convention of 1818, by which the rights of the Americans were pronounced within three miles of our



shores: The argument is, however, of a nature too legal to be of interest to the House, and requires to be very carefully studied before it can be understood. I will not, therefore, trouble the House with that argument but I will read one or two passages to shew the general statement of the case.

He then read extracts from American writings to shew that the right to fish in Canadian waters was not abrogated by the war of 1812. "We shall now enquire whether the convention of 1818 is an existing compact, and if not, what are the rights of American fishermen under the treaty of peace of 1783.

Since the expiration of the Reciprocity Treaty in 1866, the British Government, both at home and in the provinces, has, in its statutes, its official instructions, and its diplomatic correspondence, quietly assumed that the convention of 1818 is again operative in all its provisions. That the State Department at Washington should by its silence have admitted the correctness of this assumption, which is equally opposed to principle and to authority, is remarkable. We shall maintain the proposition that the treaty of peace of 1783 is now in full force, that all limitations upon its efficiency have been removed; and that it is the only source and foundation of American fishing rights within the North Eastern Territorial waters. In pursuing the discussion we shall show, first, that the renunciatory clauses of the convention of 1818 have been removed; and secondly, that article III of the Treaty of 1783 thus left free from the restrictions of the subsequent compact, was not abrogated by the war of 1812."

The writer thus concludes: "Article III of the Treaty of 1783 is therefore in the nature of an executed grant. It created and conferred at one blow rights of property, perfect in their nature, and as permanent as the dominion over the national soil. These rights are held by the inhabitants of the United States, and are to be exercised in British territorial waters. Unaffected by the war of 1812, they still exist in full force and vigor. Under the provisions of this Treaty, American citizens are now entitled to take fish on such parts of the coasts of Newfoundland as British fishermen use, and also on all the coasts, bays, and creeks, of all other of His Britannic Majesty's dominions in America, and to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, the Magdalen Islands and Labrador. The final conclusion thus reached is sustained by principle and by authority. We submit that it should be adopted by the Government of the United States, and made the basis of any further negotiations with Great Britain."

I quote this for the purpose of shewing that the pretension was formally set up and elaborated by jurists of no mean standing or reputation, and therefore it is one of the merits of this Treaty that it forever sets the dispute at rest. The writers on this subject, the very writers of whom I have spoken, admit that if the treaty is adopted the claim is gone, because it is a formal admission by the United States Government that under the Convention of 1818, we have now on the 8th of May, 1871, the property in these inshore fisheries, and this was admitted again after the question had been raised and mooted in the United States, that the very ratification of

the treaty was formally equal in its effect to an abrogation of the Convention of 1818. They agree by this treaty to buy their entry into our waters, and this is the strongest possible proof that their argument could be no longer maintained, and the agreement by the fishermen to pay a sum of money by way of license for permission to enter our waters is the strongest possible proof of the admission on the part of the fisherman that they have no right to come into Canadian waters except by our consent. Just as the payment of rent by a tenant is the strongest proof of his admission of the rights of the landlord, so is the agreement to pay to Canada a fair sum as an equivalent for the use of our fisheries an acknowledgment of the permanent continuance of our right.

So much, sir, for that portion of the treaty which affects the fisheries. I alluded a minute ago to the St. Lawrence. The surrender of the free navigation of the River St. Lawrence in its natural state was resisted by England up to 1828. The claim was renewed by the present Government of the United States, and asserted in the formal message by the present President of the United States. Her Majesty's Government in the instructions sent to Her Commissioners took the power and responsibility of this matter into her own hands. It was a matter which we could not control. Being a matter of boundary between two nations, and affecting a river which forms the boundary between the limits of the Empire and the limits of the United States, it is solely within the control of Her Majesty's Government, and in the instructions to the plenipotentiaries this language was used: "Her Majesty's Government are now willing to grant the free navigation of the St. Lawrence to the citizens of the United States on the same conditions and tolls imposed on British subjects."

I need not say, sir, that as a matter of sentiment I regretted this, but it was a matter of sentiment only. However, there could be no practical good to Canada in resisting the concession, and there was no possible evil inflicted on Canada by the concession of the privilege of navigating that small piece of broken water between St. Regis and Montreal. In no way could it affect prejudicially the interest of Canada, her trade, or her commerce. Without the use of our canals the river was useless. Up to Montreal the St. Lawrence is open not only to the vessels of the United States, but to the vessels of the world: Canada courts the ships of the whole world, and it would have been most absurd to suppose that the ports of Quebec and Montreal should be closed to American shipping. No greater evidence of actual war can be adduced than the fact of the ports of a country being closed to the commerce of another. It never entered into the minds of any that our ports should be closed to the trade of the world in general, or the United States in particular, no more than it entered into the minds of the English to close the ports of London or Liverpool—those ports whither the flags of every nation are invited and welcomed. (*Cheers.*)

From the sources of the St. Lawrence to St. Regis, the United States are part owners of the banks of the river, and by a well-known principle of international law the water flowing between the two banks is common to both, and not only is that a principle of

May 3, 1872

law, but is a law of actual treaty. The only question then was whether, as the American people had set their hearts upon it, and as it could do no harm to Canada or to England, it would not be well to set this question at rest with the others, and make the concession.

This was the line taken by Her Majesty's Government, and which they had a right to take; and when some one writes my biography—if I am ever thought worthy of having such an interesting document prepared—and when, as a matter of history, the questions connected with this treaty are upheld, it will be found that upon this, as well upon every other point, I did all I could to protect and enlarge the rights and claims of the Dominion. (*Cheers.*)

Now, sir, with respect to the right itself, I would call the attention of the House to the remarks of a distinguished English jurist upon the point. I have read from the works of American jurists, and I will now read some remarks of Mr. Phillimore, a standard English writer on international law. What I am about to read was written under the idea that the Americans were claiming what would be of practical use to them. I was not aware that the difficulties of navigation were such that the concession would be of no practical use. (The following is the extract from Mr. Phillimore's work). "Great Britain possessed the northern shores of the lakes, and of the river in its whole extent to the sea, and also the southern bank of the river from the latitude forty-five degrees north to its mouth. The United States possessed the southern shores of the lakes, and of the St. Lawrence, to the point where their northern boundary touched the river." These two governments were therefore placed pretty much in the same attitude towards each other, with respect to the navigation of the St. Lawrence, as the United States and Spain had been in with respect to the navigation of the Mississippi, before the acquisitions of Louisiana and Florida.

This argument on the part of the United States was much the same as that which they had employed with respect to the navigation of the Mississippi. They referred to the dispute about the opening of the Scheldt in 1784, and contended that, in the case of that river, the fact of the banks having been the creation of artificial labour was a much stronger reason, than could be said to exist in the case of the Mississippi for closing the mouths of the sea adjoining the Dutch Canals of the Sas and the Swin, and that this peculiarity probably caused the insertion of the stipulation in the Treaty of Westphalia; that the case of the St. Lawrence differed materially from that of the Scheldt, and fell directly under the principle of free navigation embodied in the Treaty of Vienna respecting the Rhine, the Neckar, the Mayne, the Moselle, the Meuse, and the Scheldt. But especially it was urged, and with a force which it must have been difficult to parry, that the present claim of the United States with respect to the navigation of the St. Lawrence, was precisely of the same nature as that which Great Britain had put forward with respect to the navigation of the Mississippi when the mouth and lower shores of that river were in the possession of another State, and of which claim Great Britain had procured the recognition by the Treaty of Paris in 1763.

The principal argument contained in the reply of Great Britain was, that the liberty of passage by one nation through the dominions of another was, according to the doctrine of the most eminent writers upon International Law, a qualified occasional exception to the paramount rights of property; that it was what these writers called an imperfect, and not a perfect right; that the Treaty of Vienna did not sanction this notion of a natural right to the free passage over rivers, but, on the contrary, the inference was that, not being a natural right, it required to be established by a convention; that the right of passage once conceded must hold good for other purposes besides those of trade in peace, for hostile purposes in time of war; that the United States could not consistently urge their claim on principle without being prepared to apply that principle by way of reciprocity, in favor of British subjects, to the navigation of the Mississippi and the Hudson, to which access might be had from Canada by land carriage or by the canals of New York and Ohio.

The United States replied, that practically the St. Lawrence was a strait, and was subject to the same principles of law; and that as straits are accessory to the seas which they unite and therefore the right of navigating them is common to all nations, so the St. Lawrence connects with the ocean those great inland lakes, on the shores of which the subjects of the United States and Great Britain both dwell; and, on the same principle, the natural link of the river, like the natural link of the strait, must be equally available for the purposes of passage by both. The passage over land, which was always pressing upon the minds of the writers on International Law, is intrinsically different from a passage over water; in the latter instance, no detriment or inconvenience can be sustained by the country to which it belongs. The track of an army may leave serious and lasting injury behind. The United States would not 'shrink' from the applications of the analogy with respect to the navigation of the Mississippi, and whenever a connection was effected between it and Upper Canada, similar to that existing between the United States and the St. Lawrence, the same principle should be applied. It was, however, to be recollected, that the case of rivers which both rise and disembogue themselves within the limits of the same nation is very distinguishable, upon principle, from that of rivers which, having their sources and navigable portions of their streams in States above, discharge themselves within the limits of other States below.

Lastly, the fact, that the free navigation of rivers had been made a matter of convention did not disprove that this navigation was a matter of natural right restored to its proper position by Treaty.

The result of this controversy has hitherto produced no effect. Great Britain has maintained her exclusive right. The United States still remain debarred from the use of this great highway, and are not permitted to carry over it the produce of the vast and rich territories which border on the lakes above to the Atlantic ocean.

It seems difficult to deny that Great Britain may ground her refusal upon strict law; but it is at least equally difficult to



deny, first, that in so doing she exercises harshly an extreme and harsh law; secondly, that her conduct with respect to the navigation of the St. Lawrence is in glaring and discreditable inconsistency with her conduct with respect to the navigation of the Mississippi. On the ground that she possessed a small tract of domain in which the Mississippi took its rise, she insisted on her right to navigate the entire volume of its waters; on the ground that she possesses both banks of the St. Lawrence where it disembogues itself into the sea, she denies to the United States the right of navigation though about one half of the waters of lakes Ontario, Erie, Huron and Superior, and the whole of Lake Michigan through which the river flows, are the property of the United States.

An English writer upon International Law cannot but express a hope, that this *summum jus*, which in this case approaches to *summa injuria* may be voluntarily abandoned by his country. Since the late revolution in the South American Provinces, by which the dominion of Rosas was overthrown, there appears to be good reason to hope that the States of Paraguay, Bolivia, Buenos Ayres, and Brazil, will open the River Parana, to the navigation of the world."

On reading a report of a speech of my hon. friend the member for Lambton (Hon. Mr. Mackenzie) on this subject—a very able and interesting speech, if he will allow me so to characterize it—I find that in speaking of the navigation of Lake Michigan, he stated that that lake was as much a portion of the St. Lawrence as the river itself. I do not know under what principle my hon. friend made that statement, but those inland seas are seas as much as the Black Sea is a sea and not a river. The lake is enclosed on all sides by the United States territory; no portion of its shores belong to Canada, and England has no right by international law to claim its navigation. Sir, she never has claimed it, for if my hon. friend will look into the matter, he will find that these great lakes have ever been treated as inland seas, and as far as magnitude is concerned, are worthy of being so treated. Although Her Majesty's Commissioners pressed that the navigation of Lake Michigan should be granted as an equivalent for the navigation of the St. Lawrence, the argument could not be based on the same footing, and we did not and could not pretend to have the same grounds.

It is, however, of little moment whether Canada has free navigation of Lake Michigan or not, for the cities on the shores of that lake would never consent to have their ports closed, and there is no fear in the world of our vessels being excluded from these ports, for I would like to see a Congress that would venture to close the ports of Lake Michigan to the shipping of England, or of Canada, or of the world. The small portion of the St. Lawrence which lies between the two points I have mentioned would be of no use, as there is no advantage to be obtained there from as a lever to obtain reciprocity.

**Hon. Mr. MACKENZIE:** Hear, hear.

**Hon. Sir JOHN A. MACDONALD:** My hon. friend says "Hear, hear," but I will tell him that the only lever for the obtaining of reciprocity is the sole control of our canals. So long as we have the control of these canals we are the masters, and can do just as we please. American vessels on the down trip can run the rapids, if they get a strong Indian to steer, but they will never come back again unless Canada chooses. (*Hear.*) The keel drives through those waters and then the mark disappears forever and that vessel will be forever absent from the place that once knew it unless by the consent of Canada. Therefore, as I pointed out before the recess, as we had no lever in the question of the fisheries we had none to get reciprocity except the navigation of the St. Lawrence.

I admit that for any practical use or purpose whatever, except for the purpose of giving extension to trade, for the purpose of enlarging our relations with the United States in any way, neither were the fisheries or the St. Lawrence any value; but the real substantial value is in the canals, and these canals and the right to them is expressly stated in the treaty; and when the treaty in clause 27 which relates to the canals uses the words "The Government of Her Britannic Majesty engages to urge upon the Government of the Dominion of Canada to secure to the citizens of the United States the use of the Welland and St. Lawrence, and other canals in the Dominion on terms of equality, &c.," it contains an admission by the United States, and it is of some advantage to have that admission, that the canals are our own property, which we can open to the United States as we please.

The reason why this admission is important is this: Article 26 provides that "the navigation of the River St. Lawrence ascending and descending from the 45th parallel of north latitude where it ceases to form the boundary between the two countries from, to and into the sea shall forever remain free and open for the purposes of commerce to the citizens of the United States, subject to any laws and regulations of Great Britain or of the Dominion of Canada, not inconsistent with such privileges of free navigation," for fear that it might be held in argument that whereas at the time the treaty was made it was known that for the purpose of ascent the river could not be overcome in its natural course an argument might be hung upon it that the ascent might be open to the United States and that therefore it might imply as a matter of argument, that the canals were available for that purpose". And so the next clause provides and specifies that these canals are especially within the control of Canada and the Canadian Government, and prevents any inference being drawn from the language of the preceding article. I know, sir, that there has been in some of the newspapers a sneer cast upon the latter paragraph of that article which gives the United States the free use of the St. Lawrence. I refer to the navigation of the rivers Yukon, Porcupine and Stikine.

May 3, 1872

**Hon. Mr. MACKENZIE:** Hear, hear.

**Hon. Sir JOHN A. MACDONALD:** My hon. friend again says “hear, hear.” I hope that he will hear and perhaps he will hear something he does not know. (*Hear, hear.*) I may tell my hon. friend that the navigation of the River Yukon is a great trade, and that the Americans are now sending vessels and are fitting out others for the navigation of the Yukon. I will tell my hon. friend that at this moment United States vessels are going up that river and are underselling the Hudson’s Bay people in their own country, (*Hear, hear.*), and it is a matter of the very greatest importance to the Western country that the navigation of these rivers should be open to the commerce of British subjects, and that access should be had by means of these rivers, so that there is no necessity at all for the ironical cheer of my hon. friend.

Sir, I am not unaware that under an old treaty entered into between Russia and England that the former granted to the latter the free navigation of these streams, and for the free navigation of all the streams in Alaska. But that was a treaty between Russia and England, and it may be argued, and would be argued by England, that when the United States took that country from Russia it took it with all its obligations; but, Mr. Speaker, there are two sides to that question. The United States, I venture to say, would hang an argument upon it, and I can only tell my hon. friend that the officers of the United States have exercised authority in the way of prohibition, and have offered the pretext that that was a matter which had been settled between Russia and England, that the United States now had that country, and would deal with it as they chose, and therefore, as this was a treaty to allay all questions, and not to raise new ones, it was well that the question should be settled at once as between England and the United States, as before it was between England and Russia.

Before leaving the question of the St. Lawrence, I will make one remark, and will then proceed to another topic, and that is: that the article in question does not in any way hand over or divide in any way the River St. Lawrence or give any sovereignty or right whatever, except in the matter of navigation. Both banks belong to Canada—the management, the regulation, the tolls, the improvement, all belong to Canada. The only stipulation made in the Treaty is that the United States vessels may use the St. Lawrence on as free terms as those of Canadian subjects. It is not a transfer of territorial rights—it is simply a permission to navigate the river by American vessels, that the navigation shall ever remain free and open for the purpose of commerce, and only for the purpose of commerce, “to citizens of the United States, subject to any laws and regulations of Great Britain, or of the Dominion of Canada, not inconsistent with the privilege of free navigation.”

Now, Mr. Speaker, on the questions relating to navigation, I shall allude to one of the subjects included in the Treaty, although it was not contemplated in the instructions given to the British Commissioners by Her Majesty’s Government—in fact, it was scarcely known—and that is what is known as the St. Clair Flats

question. It is known that the waters of the River St. Clair and the waters of Lake St. Clair are free to both nations, that the boundary line which divides them is provided by treaty, that the Treaty of 1842 provides that all the navigation from the point where the River St. Clair flows from Lake St. Clair shall be common to both nations, so that all those channels are free, were made common to both nations, and are so now. In the St. Clair Flats, and in consequence to improve the navigation, Canada has made appropriations for the purpose of improvement. There were also appropriations made—I forget whether by the United States or by the State of Michigan, or by private individuals—for the purpose of improving the waters, and the United States made a canal in and through the St. Clair Flats. The question then arose whether that canal was in Canadian territory or within that of the United States. I have no doubt that the engineering officers appointed by the United States to choose the site of the canal and to construct it, acted in good faith in choosing the site, believing that it was in the United States, and, from all I can learn, subsequent observations proved that to be the case.

**Hon. Mr. MACKENZIE:** Hear, hear.

**Hon. Sir JOHN A. MACDONALD:** My hon. friend says “Hear, hear,” and I have no doubt he will give us an argument, and an able one, too, as he is quite competent to do, to show that under the Treaty this canal is in Canada. A strong argument might be founded in favor of that view from the language of the report of the Commissioners—that is, if we looked at the language, and combined with that language the evidence taken of the division of the different sites. I admit that a strong argument might be based on the language of the report, when it speaks of the old ship channels, but from the evidence and statements that have been collected on the point it may be held to be a matter of doubt whether the canal or a portion of it was within the boundary of Canada. But the Commissioners did not satisfy themselves on that point, but they joined and placed their signatures to a map, and to anyone reading the report with the map and holding the map as a portion of the report, this canal is entirely in the United States. It may be unfortunate that it is so because it may greatly impede the navigation of those flats by Canadians.

But the question is whether under that treaty, and that map which is a portion of the treaty and as obligatory as the treaty, the canal is in the United States or not. When the point was raised that the map was inconsistent with the report, Her Majesty’s Government, I have no doubt under the advice of Her Majesty’s legal advisers, made it a point with words that cannot admit of argument that the two must be taken together and that the map explained and defined the meaning of the language of the report so that Her Majesty’s Government declined to argue a proposition so unworthy of being urged as that the map was not binding and obligatory upon them. But sir, “out of the nettle, danger, we pluck the flower safety.” The House will see by looking at the clause I referred to that it is a matter of no consequence whether the canal is in the United States or Canada, because for all time to come that canal is to be used by



the people of Canada on equal terms with the people of the United States.

In the speech of my hon. friend to which I have referred, that canal he says is only secured to Canada during the existence of the treaty. I say it is secured for all time, just as the navigation of the St. Lawrence is given for all time. The United States have gone to all the expense of building the canal, and now we have the free use of them. If the United States put on a toll there we pay no greater toll, and it is of the first and last advantage to the commerce of both nations that the deepening of these channels should be gone on with, and I can tell my hon. friend, moreover, that in this present Congress there is a measure to spend a large additional sum of money on this canal out of the revenues of the United States for that object. So much for the St. Clair Flats.

Now, sir, as to some of the advantages to be gained by the Treaty, I would call the attention of the House to the 29th clause, which clause ensures for the whole time of the existence of the Treaty, for twelve years at least, the continuance of the bonding system. We know how valuable that has been to us, how valuable during the winter months when we are deprived of the value of a seaport. The fact that the American press has been loudly calling for the abolition of the system is a proof of the boon which they considered it to be. They have said that if Canadians would be so bumptious, they would be deprived of this system, and allowed to remain cooped up in their frozen country. If the United States should ever commit the folly of injuring their carrying trade by adopting a hostile policy in that respect, and they have occasionally as we know adopted a policy hostile to their commercial interest, they could do so before this Treaty was ratified—they cannot do so now. For twelve long years we have a right to the bonding system from the United States over all their avenues of trade, and long before that time expires I hope we shall have the Canadian Pacific Railway reaching to the Pacific Ocean, and with the Intercolonial Railway reaching to Halifax we shall have an uninterrupted line from one seaboard to the other. (*Cheers.*) This is one of the substantial advantages that Canada has gained by this Treaty.

Then, sir, the 30th article conveys a most valuable privilege to the railways of Canada that are running from one part of the country to another, and I must take the occasion to say that if this had been pressed upon the consideration of the American Government and American Commissioners at Washington during the negotiation much of the merit is due to the hon. member for Lincoln (Mr. Merritt). He it was who supplied me with the facts, he it was who called attention to the great wrong to our trade by the Act of 1866 and, impressed by him with the great importance of the subject, I was enabled to press the adoption of this article and to have it made a portion of the treaty. Now, sir, that this is of importance you can see by reading the Buffalo papers. Some time ago they were crying out that the entrance had been made by the wedge which was to ruin their coasting trade, and that the whole trade of the lakes was being handed over to Canada.

Under this clause, if we choose to accept it, Canadian vessels can go to Chicago, can take American produce from American ports and can carry it to Windsor or Collingwood, or the Welland Railway. That same American produce can be sent in bond to our frontier, giving the traffic to our vessels by water and our railways by land, to Lake Ontario, and can then be reshipped by Canadian vessels to Oswego, Ogdensburg or Rochester, so that this clause gives us a direct amelioration and relaxation of the extreme, almost harsh exclusive coasting system of the United States (*Hear*) and I am quite sure that in this age of railways and when the Votes and Proceedings show that so many new enterprises are about to start, this will prove a substantial improvement on the former state of affairs.

Then there is a provision that if, in the exercise of our discretion, we choose to put a differential scale of tolls on American vessels passing through our canals, and if New Brunswick should continue her export duties on lumber passing down the River Saint John, the United States may withdraw from this arrangement so that it will be hereafter, if the treaty be adopted, and this act passed, a matter for the consideration of the Government of Canada in the first place, and of the Legislature in the next, to determine whether it is expedient for them to take advantage of this boon that is offered to them. As to the expediency of their doing so I have no doubt, and I have no doubt Parliament will eagerly seek to gain and establish those rights for our ships and railways. (*Hear, hear.*)

The only other subject of peculiar interest to Canada in connection with the treaty—the whole of it, of course, is interesting to Canada as a part of the Empire, but speaking of Canada as such and of the interest taken in the treaty locally—the only other subject is the manner of disposing of the San Juan boundary question. That is settled in a way that no one can object to. I do not know whether many hon. members have ever studied that question. It is a most interesting one, and has long been a cause of controversy between the two countries. I am bound to uphold, and I do uphold, the British view respecting the channel which forms the boundary as the correct one. The United States Government were, I believe, as sincerely convinced of the justice of their own case. Both believed they were in the right, both were firmly grounded in that opinion; and such being the case there was only one way of it, and that was to leave it to be settled by impartial arbitration.

I think the House will admit that no more distinguished arbiter could have been selected than the Emperor of Germany. In the examination and decision of the question he will have the assistance of as able and eminent jurists as any in the world, for there is nowhere a more distinguished body than the jurists of Germany, who are especially familiar with the principles and practise of international law. Whatever the decision may be, whether for England or against it, you may be satisfied that you have got a most learned and careful judgment in the matter, to which we must bow if it is against us, and to which I am sure the United States will bow if it is against them. (*Hear, hear.*)

May 3, 1872

I think, Sir, I have now gone through all the articles of interest connected with Canada. I shall allude to one omission from it and then I shall have done; and that is the omission of all allusion to the settlement of the Fenian claims. That Canada was deeply wronged by those outrages known as the Fenian raids is indisputable. England has admitted it and we all feel it. We felt deeply grieved when those raids were committed, and the belief was general in which I must say I share, that due exertions and due diligence were not exercised by the American Government to prevent the organization within their territory of bands of armed men openly hostile to a peaceful country, and to put an end to incursions by men who carried war over our borders, slew our people and destroyed our property. It was, therefore, a fit thing to press upon England to seek compensation for these great wrongs. As a consequence of our position as a colony, we could only do it through England. We had no means and no authority to do it directly ourselves; and consequently we urged our case upon the attention of England, and England consented to open negotiations with the United States upon the subject. In the instructions it is stated that Canada had been invited to send in a statement of her claims to England and that it had not done so; and I dare say it will be charged—indeed, I have seen it so stated in some of the newspapers—that that was an instance of Canadian neglect.

Now, it is not an instance of Canadian neglect, but an instance of Canadian caution. (*Hear, hear.*) Canadians had a right to press for the payment of those claims whatever the amount, for all the money necessary to be spent to repel those incursions had been taken out of the public treasury of Canada and had to be raised by the taxation of the country. Not only had they the right to press for that, but every individual Canadian who suffered in person or property because of those raids had an equal right to compensation. It was not for Canada, however, to put a limit to those claims, and to state what amount of money would be considered as a satisfactory liquidation of them. It has never been the case, when commissions have been appointed for the settlement of international claims, to hand in those claims in detail before the sitting of the commission. What Canada pressed for was that the principle should be established, that the demand should be made by England upon the United States, that that demand should be acquiesced in, that the question of damages should be referred to a tribunal like that now sitting at Washington for the investigation of claims connected with the civil war in the South, that time should be given within which the Canadian Government as a Government and every individual Canadian who suffered by those outrages should have an opportunity of filing their claims, of putting in an account and of offering proof to establish their right to an indemnity.

The Canadian Government carefully avoided by any statement of their views the placing of a limit upon those claims in advance of examination by such a commission; and I think the House and country will agree that we acted with due discretion in that respect. (*Hear, hear.*) Now, one of the protocols will show the result of the demand for indemnity. The demand was made by the British commissioners that this question should be discussed and considered by the commission, but the United States

Commissioners objected, taking the ground that the consideration of these claims was not included in the correspondence and reference. In doing that, they took the same ground that my hon. friend the member for Sherbrooke (Hon. Sir A.T. Galt), with his usual acuteness and his usual knowledge of the value of language, took when the matter was discussed in this House before my departure for Washington. He said then that he greatly doubted whether under these letters which led to the appointment of the High Commission it was intended that the Fenian claims should be considered; and although my hon. friend the Minister of Militia (Hon. Sir George-É. Cartier), arguing from an opposite point of view, thought it might be fairly beheld that those claims were included, I myself could not help feeling the strength of the argument advanced by the hon. member for Sherbrooke, and I stated at the time that I thought there was great weight in the objection which he pointed out. The American Commissioners, as the event proved, raised that objection, maintaining that the point was not included in the correspondence in which the subjects of deliberation were stated, and when it was proposed to them by the British, the American Commissioners declined to ask their Government for fresh instructions to enlarge the scope of their duty in that respect.

Now, we could not help that. There was the correspondence to speak for itself, and it was a matter of more than doubt whether those claims were included in it. The British ambassador represented that he had always thought that the correspondence did include them; and he was struck with surprise—perhaps I ought not to say surprise, for that was not the expression he used—but he was certainly under the impression that it had been regarded by all parties that they were covered by the correspondence.

Still, let any one read those letters and he will find it is more than doubtful; he will find, indeed, that it is altogether doubtful whether the agreement to enter into the negotiations could be construed in any way so as to bring these claims into the discussion. If it was doubtful, and if objection was raised on that ground, the British Commissioners had no power to compel the American Commissioners to determine the doubt in their favour, and force these claims upon their consideration. The consequence was that they were omitted from the deliberations of the Commission.

Whose fault was that? It was the fault of Her Majesty's Government in not demanding in clear language, in terms which could not be misunderstood, that the investigation of these claims should be one of the matters dealt with by the Commission. (*Hear, hear.*) It was a great disappointment to my colleagues that the objection was taken, and that all hope of getting redress for the injury done by those Fenian raids was destroyed so far as the Commission at Washington was concerned, in consequence of the defective language of the correspondence and the defective nature of the submission to the Commissioners. Now, England was responsible for that error. England had promised to make the demand, and England had failed to make it. Not only that, but Her Majesty's Government took the responsibility of withdrawing the claims altogether, and Mr. Gladstone fully assumed all the



responsibility of this step, and relieved the Canadian Government from any share in it, when he stated openly in the House of Commons that the Imperial Government had seen fit to withdraw the claims, but that they had done so with great reluctance and sorrow for the manner in which Canada had been treated.

Canada, therefore, had every right to look to England for that satisfaction which she failed to receive through the inadequacy of the correspondence to cover the question. England, by taking the responsibility of declining to push the claims, put herself in the position of the United States, and we had a fair and reasonable right to look to her to assume the responsibility of settling them. She did not decline that responsibility, and the consequence was that if we failed to obtain redress from the United States for those wrongs, we had yet an opportunity of securing compensation, which would not have been offered to us if it had not been for the steps taken by this Government. (*Hear, hear.*)

But, sir, we are told that it is a great humiliation for Canada to take this money. Why, it is our due. We are entitled to it, and we must have it from some one. England refused to ask it for us from the United States, and she accepted all the responsibility which that refusal involved. She was wise in accepting that responsibility; she must take the consequences, and she is willing to do so. But the Canadian Government, on the other hand, were unwilling that the compensation which England thus acknowledged was due to us by her should take a direct pecuniary form. We were unwilling that it should be the payment of a certain amount of money, and there were several strong reasons why we should not accept reparation in that shape. In the first place, if a proposal of that kind were made, it would cause an investigation as to the settlement of the amount to be made between England and Canada of a most unseemly character. We would have the spectacle of a judge appointed to examine the claims in detail, with Canada pressing her case upon his attention, and England probably resisting in some cases, and putting herself in a position which could hardly fail to be regarded as one of hostility to Canadian interests.

It was, therefore, in the last degree inadvisable that the relations between Canada and the Mother Country, which throughout have been of so friendly and pleasant a character, should be placed in jeopardy in that way; and accordingly a suggestion was thrown out which, without causing England to expend a sixpence or putting the least additional burden upon her people, would, if acted upon, do us more good, and prove of infinitely greater advantage than any amount of mere money compensation we could reasonably expect. This was a mode of disposing of the question in the highest degree satisfactory to both countries, and one which does not in the least compromise our dignity or our self respect. (*Hear, hear.*)

The credit of Canada, thank God, is well established; her good faith is known wherever she has had financial dealings. Her Majesty's Government can go to the House of Commons and ask for authority to guarantee a Canadian loan with a well-grounded assurance that the public of England will never be called upon to

put their hands in their pockets or tax themselves one farthing to pay it. (*Cheers.*) At the same time, the Imperial Government, by giving us this guarantee, grants us a boon the value of which in the great works of public improvement we have undertaken was explained the other day in a manner that I would not attempt to imitate by my hon. friend the Finance Minister (Hon. Sir Francis Hincks). Besides the double advantage to ourselves in getting the endorsement of England without disadvantage to the English people there is to be considered the great, the enormous benefit that accrues to Canada from this open avowal on the part of England of the interest she takes in the success of our great public enterprises. (*Cheers.*)

No one can say now when she is sending out one of her most distinguished statesmen to take the place of the nobleman who now so worthily represents Her Majesty in the Dominion. No one can say when England is aiding us by endorsing a loan spreading over so many years, and which will not be finally extinguished till most of us now here will have been gathered to our fathers. No one can say under these circumstances she has any idea of separating herself from us and giving up the colonies. (*Cheers.*) The solid substantial advantage of being able to obtain money on better terms than we could on our own credit alone is not the only benefit this guarantee will confer upon us; for it will put a finish at once to all dreamers or speculators who may hope or dream or believe in the alienation and separation of the colonies from the Mother Country. That is a more incalculable advantage than the mere advantage of England's guarantee of our financial stability, great and important as that is. (*Loud cheers.*)

Aye, but it is said that it is a humiliation to make a bargain of this kind. Why, Sir, it was no humiliation in 1841 to obtain an Imperial guarantee for the loan necessary to construct the canals originally. It was not considered a humiliation to accept a guarantee for £1,400,000 sterling in 1865 for the purpose of building fortifications, nor was it a humiliation to obtain £4,000,000 sterling upon a similar guarantee to construct the Intercolonial Railway. Why is it a humiliation then in this case to accept the guarantee when England voluntarily comes forward and accepts the responsibility for withdrawing our claims in respect to the Fenian raids? It was by no prompting from us that that responsibility was assumed, for Mr. Gladstone rose of his own motion in the House of Commons and accepting the responsibility admitted that it should take a tangible shape. It did take such a shape, and I say a most satisfactory shape, in the guarantee of £2,500,000 sterling immediately and we may say 4,000,000 pounds sterling in all, ultimately. (*Cheers.*)

But I hear it objected that Canada ought not to have made a bargain at all. She could have allowed the Fenian claims to go and dealt with the Treaty separately, accepting or rejecting it on its merits. Sir, Canada did not make a bargain of that kind, but she went fairly and openly to Her Majesty's Government and said: Here is a Treaty that has been negotiated through your influence and which affects important commercial interests in this country. It is

May 3, 1872

unpopular in Canada because of its pecuniary arrangements, but it is urged on us for Imperial causes and for the sake of the peace of the Empire, but the pecuniary interests of Canada should, in the opinion of the Canadian Government, be considered; and the undoubted claim of Canada for compensation for these, Fenian outrages has been set aside.

We may well, therefore, call upon you to strengthen our hands by showing you are unwilling to sacrifice Canada altogether for Imperial purposes solely. Sir, we asked that for Canada, and the response was immediate and gratifying, except that England did not accept the whole of our proposition to guarantee a loan of £4,000,000 sterling. But I am as certain as I am standing in this House, and I am not speaking without the book, that had it not been for the unfortunate cloud that arose between the United States and England, which threatened to interrupt the friendly settlement of all questions between them but which I am now happy to say is passing away, the difficulty would have been removed by England permitting us to add to the £2,500,000 sterling, £1,400,000 sterling which she guaranteed some years since to be expended on fortifications and other defensive preparations. That money had not been expended, and there would now have been no object in applying it for the construction of works which would have been a standing menace to the United States, and would have been altogether out of place immediately after signing a treaty of peace and amity which I hold to be a good one.

I do not hesitate to say, and I repeat, I am not speaking without the book, that I believe a proposition of that kind would have been acceptable to Her Majesty's Government, but when the cloud arose, when there was a possibility of this Treaty being held as a nullity, and when there was a danger of the relations between the two countries returning to the unfortunate position which they were before, then was not the time for England to ask us, or for us to propose to give up the idea of fortifying our frontier and defending our territory. Then was not the time either for the Canadian Government to shew an unwillingness to spend money upon these works, or to defend and retain the Dominion as a dependency of the Sovereign of England. (*Cheers.*) I say, therefore, that while we are actually receiving a guarantee of £2,500,000 sterling if the relations of England and the United States are again brought into harmony, and the lowering cloud which recently sprung up is removed, and removed in such a way as never to appear again, then it may fairly be thought it may reasonably be calculated upon, then we will have a guarantee of the full amount of £4,000,000 sterling in order to carry out the great improvements we have entered upon. The Finance Minister (Hon. Sir Francis Hincks) has shewn you the advantages which will flow from that arrangement, and it would be presumption in me to add a word to what he so well said upon that point which is in the highest degree satisfactory to this House and in the highest degree also satisfactory to the people of the country.

I shall now move the first reading of this Bill, and I shall simply sum up my remarks by saying that with respect to the Treaty I consider that every portion of it is unobjectionable to the country,

unless the articles connected with the fisheries may be considered objectionable. With respect to those articles, I ask this House fully and calmly to consider the circumstances, and I believe, if they fully consider the situation, that they will say it is for the good of Canada that those articles should be ratified. Reject the Treaty, and you do not get reciprocity; reject the Treaty, and you leave the fishermen of the Maritime Provinces at the mercy of the Americans; reject the Treaty, and you will cut the merchants engaged in that trade off from the American market. You will have a large annual expenditure in keeping up a marine police force to protect those fisheries amounting to about \$84,000 per annum. Reject the Treaty, and you will have to call upon England to send her fleet and give you both her moral and physical support, although you will not adopt her policy; reject the Treaty, and you will find that the bad feeling which formerly and until lately existed against England will be transferred to Canada—that the United States will say, and say justly, that here, when two great nations like England and the United States have settled all their differences and all their quarrels upon a perpetual basis, all is to be frustrated and endangered by the Canadian people, because they have not got the value of their fish for ten years. (*Cheers.*)

It has been said by the hon. gentleman on his left (Hon. Mr. Howe), in his speech to the Young Men's Christian Association, that England sacrificed the interests of Canada. If England had sacrificed the interests of Canada, what sacrifice had she not made herself in the cause of peace? Has she not, for the sake of peace between those two great nations, rendered herself liable, leaving out all indirect claims, to pay millions out of her own treasury? Has she not made all this sacrifice, which only Englishmen and English statesmen can know, for the sake of peace—and for whose sake has she made it? Has she not made it principally for the sake of Canada? (*Loud cheers.*)

Let Canada be severed from England—let England not be responsible to us, and for us, and what could the United States do to England? Let England withdraw herself into her shell, and what can the United States do? England has got the supremacy of the sea—she is impregnable in every point but one, and that point is Canada. And if England does sacrifice us, does find it for the good of the Empire that we, England's first colony, should sacrifice something, I say that we would be unworthy of our proud position if we were not prepared to do so. (*Cheers.*) I hope to live to see the day, and if I do not that my son may be spared to see Canada the right arm of England (*Cheers*), to see Canada a powerful auxiliary to the Empire, not as now a source of anxiety and a source of danger. I think that if we are worthy to hold that position as the right arm of England, we should not object to a sacrifice of this kind when so great an object is attained, and the object is a great and lasting one.

It is said that amities between nations cannot be perpetual. But I say that this Treaty which has gone through so many difficulties and danger, if it is carried into effect, removes almost all possibility of war. If there was an irritating cause of war, it was from the occurrences arising out of the escape of those vessels, and when we



see the United States people and Government forget this irritation, forget those occurrences, and submit such a question to arbitration, to the arbitration of a disinterested power, they have established a principle which can never be forgotten in this world. No future question can ever arise that will cause as great irritation as the escape of the Alabama did, and if they could be got to agree to leave such a matter to the peaceful arbitrament of a friendly power, what future cause of quarrel can in the imagination of man arise that will not bear the same pacific solution that is sought for in this?

I believe that that Treaty is an epoch in the history of civilization, that it will set an example to the wide world that must be followed, and with the growth of the great Anglo Saxon family, and with the development of that mighty nation to the south of us, I believe that that principle will be advocated and adopted as the sole principle of settlement of differences between those people, and that it will have a moral influence in the world. And although it may be opposed to the antecedents of other nations, that great moral principle which has been established among the Anglo Saxon family will spread itself all over the world. (*Cheers.*) It is not much to say that it is a great advance in the history of mankind, and I should be sorry if it were recorded that it was stopped for a moment by a selfish consideration of the interest of Canada.

Had the Government of Canada taken the course, which was quite open to them, to recommend Parliament to reject these articles, it might have been a matter of great interest as to what my position would have been. I am here at all events advocating the ratification of the Treaty and I may say, notwithstanding the taunts of the hon. gentlemen opposite, that I was chosen for that position, certainly because I was a Canadian and presumably because I was a member of the Canadian Government, but my commission was given to me as a British subject, as it was to Sir Stafford Northcote and other members of the Commission. I went to Washington as a plenipotentiary, as Her Majesty's servant, and was bound by Her Majesty's instructions, and I would have been guilty of dereliction of duty if I had not carried out those instructions. And, sir, when I heartily joined under the circumstance in every word of that Treaty with the exception of the Fishery Articles, and when I obtained leave to have inserted in that Treaty a reservation to the Government and the people of Canada of the full right to accept or refuse that portion of it, I had no difficulty as to my course. (*Cheers.*) I did not hesitate to state that if that clause had not been put in I would have taken the course of resigning my commission.

I was perfectly aware that I should be subject to reproach. I wrote to my friends in Canada and they have my letters, stating that well I knew the storm of obloquy and reproach that would meet me on my return and before even I crossed the border I was complimented with the names of Judas Iscariot, Benedict Arnold, &c. The whole vocabulary of Billingsgate was opened against me, but here I am, thank God, today, with the conviction that what I did was for the best interests of my country; and after all I have received at the hands of my country, and after the confidence that has been accorded me for so many years, I would have been unworthy of that position and that confidence if I were not able to meet reproach for

the sake of my country. I have met that reproach and I have met it in silence. I knew that a premature discussion would only exasperate still more the feelings of those who were arrayed against me, and of those who think more of their party than their country. (*Loud cheers.*) I do not speak particularly of the hon. gentlemen opposite, but I say that the policy of the Opposition is regulated by a power behind the throne which dictates what that policy must be. (*Cheers.*) No one ever saw a patriotic policy emanate from that source except on one occasion, and that was when that source was induced by myself to forget party struggles and party feelings for the common good of the country. (*Cheers.*)

I have not said a word for twelve months; I have kept silence to this day thinking it better that the subject should be discussed on its own merits. How eagerly I was watched. If the Government should come out in favour of the treaty, then it was to be taken as being a betrayal of the people of Canada. If the Government should come out against the treaty, then the First Minister was to be charged with opposing the interests of the Empire. Which ever way it was, they were lying in wait to find out a mode of attack. But "silence is golden", Mr. Speaker, and I kept silence.

I believe the sober second thought of this country accords with the sober second thought of the Government. We come down here and ask the people of Canada through their representatives to accept this treaty, to accept it with all its imperfections, to accept it for the sake of peace, for the sake of the great Empire of which we form a part. I now beg leave to introduce the Bill, and to state that I have the permission of His Excellency to do so. (*Loud ministerial cheers.*)

The hon. gentleman resumed his seat at 9.45, after having spoken for four hours and a quarter, amid loud and continued applause from all parts of the House.

The Bill was read a first time, and the second reading fixed for Tuesday, but **Hon. Sir JOHN A. MACDONALD** declined to make it the first order for that day.

**Hon. Mr. MACKENZIE** desired, before the motion was carried, to make a few observations upon the speech of the hon. gentleman. It was not his intention to discuss the Treaty critically tonight. After the long, exhaustive and able speech of the hon. gentleman, it would be manifestly impossible to enter into a critical debate; that would take place more properly on the second reading of the Bill. He had listened with a great deal of interest, and he might say with a great deal of pleasure, to the hon. gentleman's speech, as it had unfolded very fully his own views, although they did not harmonize with his (Hon. Mr. Mackenzie's) or with those who acted with him politically.

The hon. gentleman had stated that the course that they—the Opposition—had pursued was one dictated by some power not present in this House. He regretted this statement, because they desired to discuss the Treaty on its merits, although disposed to condemn the action of the hon. gentleman opposite and his associates. He might inform the House that within a few days of the

May 3, 1872

ratification of the Treaty, before a single newspaper in the country had spoken upon it, he delivered a speech to which the hon. gentleman had referred, and the member for Durham West (Hon. Mr. Blake) had also expressed his views on the subject about the same time; and those views were in entire harmony with the views he had heard expressed ever since, and with the views of the entire press of the country.

They had the honor of leading public sentiment in this matter in that direction that they believed honestly to be due to a patriotic feeling for Canada as their country. He was not blind to the advantages that were to be derived from a sacrifice, and he would sacrifice a good deal for the interests of peace. He believed that he was no friend to his country who did not desire to suit his public policy in order to secure that amity and friendship that ought to prevail among nations, and under these circumstances it was peculiarly desirable, forming as we did in this colony one of the great families of the British race, that we should endeavour by every reasonable and just means to give effect to the measures of the Mother Country, in seeking to secure that amity with that other great branch of the British family on this continent.

We believe, however, that there was a limit beyond which we ought not to go. He did not believe that national health, national glory, and national pride were always to be produced by making sacrifices to what is justly called the "peace at any price" party. It was manifest that if we on this continent, hemmed in as we were by the people of the United States, whose political policy has been singularly aggressive, yielded up merely for the sake of so-called peace every advantage that we possessed within our territory, it would soon become a question how far it would be possible to pursue that policy and retain any trace of national life and public spirit.

The hon. gentleman said that he went to Washington simply as a Briton; that it was quite true he was a prominent Canadian, and, no doubt, that that had something to do with offering him the position. He (Hon. Mr. Mackenzie) thought from the evidence before the House that it had everything to do with it. We knew that the matter was submitted by the hon. gentleman to his colleagues, and by them approved; that he went to Washington although this House was in session; and that he practically solicited leave from the House to proceed there as the representative of Canada. This House afforded him every indulgence, and that was scarcely in accordance with the statement he had ventured tonight, that he knew he would not get fair play.

Upon the representations of the hon. gentleman last session, the resolutions of the member for Sherbrooke (Hon. Sir A.T. Galt) were not pressed. He believed that if they had been pressed the House would not have refused to adopt them; but the House accepting the hon. gentleman's declaration that he went there as their representative, they treated him with that magnanimity that he (Hon. Mr. Mackenzie) had said then and said now was their proper course. He had no doubt that if those resolutions had been pressed by the hon. member for Sherbrooke, it might have resulted in

something more favourable for this country than what was found afterwards to be the case.

He found also, from the Public Accounts, that this country had paid the expenses of the hon. gentleman at Washington as the Canadian representative, and it would not do now, in the face of those facts, to assert that he went there entirely independent, and that he maintained a position here as a member of this House entirely independent of his connection with that Commission. These remarks had been forced from him (Hon. Mr. Mackenzie) by the course of the hon. gentleman. He had listened with feelings of a painful conviction that he (Hon. Sir John A. Macdonald) had taken a step that would produce political consequences of a disastrous kind in the future, that it was a step in that retrogression which marked the decline of a people—a decline in that national spirit that is as essential to the well being of the country as food is to the life and vitality of man.

He had listened to the hon. gentleman's speech with pain, in consequence of another portion of it that referred more particularly to the position of the Mother Country. We were told that England had for some time almost stood alone in Europe, that she was threatened by various nations, and was this a time, he (Hon. Sir John A. Macdonald) asked, when we should insist upon our rights, and endanger Britain because of the tendency or desire of the United States to fall upon her when in a state of unpreparedness? Had it come to this, that the Premier of Canada had to make an appeal to the forbearance of Canadians because of the necessities of that great empire of which we form a part? Were we to live as a portion of the British Empire—was Britain herself to live merely by the sufferance of the United States, Russia, and other nations? No other interpretation could be put on his (Hon. Sir John A. Macdonald's) language than this, that this was a sacrifice demanded of us because of a state of weakness into which the Mother Country had fallen. He (Hon. Mr. Mackenzie) denied this. He believed that England still held supremacy over the nations of the world.

He (Hon. Sir John A. Macdonald) afterwards endeavoured to show that the question of the Fisheries was one of very great doubt; he endeavoured to show that by the interpretation put on the Treaty of 1783 by certain writers in the United States it was really a matter of doubt whether, under the Convention of 1818 we had the actual right to those fisheries or not. If this was not meant, why introduce the argument at all? Every person who had read International Law knew that the American Government had unconditionally accepted long ago the fact that Canada had sole jurisdiction three miles outside the coast, from headland to headland. Still, Mr. Commissioner Campbell was sent home, he made his representations to the Imperial Government and out of that comparatively trifling mission to settle a comparatively small subject they had had this enormous matter brought upon them whereby they had sold their fisheries and given away their rivers, and allowed and encouraged the American Government to trample on their rights. In order to secure what they had not secured they had made these extraordinary sacrifices.



He ridiculed the idea of the American waters containing a certain kind of bait which was essentially necessary, but could not be obtained by Canadian fishermen unless the treaty was accepted. He was not sufficiently acquainted with the fisheries to deal with the subject critically, but the fishermen had obtained bait in the past, and he thought they could still purchase it in the market as any other article of commerce. He had read that the New Brunswick Legislature was unanimously opposed to the treaty, as its effect, if passed, would be the destruction of their fisheries to a great extent.

The hon. gentleman had called attention to what might have happened if there had been no Canadian representative on the Commission at Washington. He (Hon. Mr. Mackenzie) could not see the difference between judgment going by default, and the hon. gentleman being present and allowing a wrong judgment to be entered on record. He protested against the remarks of the Minister of Justice (Hon. Sir John A. Macdonald), that it was asserted at Washington that rejection of a second treaty might result in war, as he considered that the statement was made more as a threat in order to secure the acceptance of the treaty. He thought that there was not the slightest danger of any trouble arising out of the questions at issue between Canada and the United States. He considered the statement of the hon. gentleman that if certain things had happened he would not have signed the treaty, and made him personally responsible to Canada.

With respect to reciprocity in commercial matters, the British Commissioners appeared to have yielded as soon as requested by the American Commissioners. He thought the free navigation of the St. Lawrence had taken a strong weapon out of the hands of Canada, as also the giving up of the fisheries and both without a consideration. Judging from the past, he had no confidence in the Commission to be appointed to value the fisheries. All knew the loss this country sustained through the ignorance or inability of those who were appointed by the English Government to negotiate our boundaries—how the half of New Brunswick was swept away and given to the State of Maine. He was now pointing out what he believed would be the inevitable result of the negotiations. It was always perfectly safe for the American Government to make demands. As the hon. gentleman opposite had said, their hearts were set on obtaining access to the St. Lawrence, and therefore he gave it away.

Well, they would set their hearts on something else within a year; they were constantly setting their hearts and their envious eyes on some portion of our territory, and if gentlemen like the hon. gentlemen opposite were to be Commissioners, he feared they would obtain what they wanted in regard to the so called compensation for the fisheries. He acknowledged freely that there was a large body of public men in the United States who would scorn to adopt the meanness of that class who had urged the consequential damages, and who would scorn to take advantage of any other country in the way. But they knew that to a great extent the mob governed public opinion in that country; they knew that the elections of the President exercised such an influence on public

opinion that the authorities sometimes could not afford to do what was right for fear it should result adversely to themselves and their party. If he was not mistaken a member of the Imperial Government stated in the House of Lords that this was one of the reasons why the Fenian claims could not be insisted on.

He recollected in the discussion before the hon. gentleman left for Washington, that he (Hon. Mr. Mackenzie) insisted that the Fenian claims could not be considered under the order of reference. The Minister of Finance then maintained that that order did cover the claims, yet now it seemed to be admitted that they were not covered.

**Hon. Sir FRANCIS HINCKS:** The British Commissioners contended that they were.

**Hon. Mr. MACKENZIE** denied that this had been contended for, or at any rate the contention was very mild, for the resolution at the close admitted that the claims were worth very little, by the British Commissioners stating that they would not further urge the settlement of the claims, especially as they were of a constructive and inferential character. If they were of a constructive character he did not think it did much credit to the hon. gentleman representing Canada who had so constructed them. (*Laughter.*)

The hon. gentleman had stated that the action of the House on the tariff last year had prevented him from impressing on the Americans what they ought to do in regard to reciprocity, calling it a "fatal vote." It was very gratifying to see that the Minister of Finance had accepted that reversal of his policy by the House, that the Government endorsed it, and passed it on to its next stage, and yet the leader of the Government now cast reflections on the House and his colleagues for the adoption of this policy. The hon. gentleman said that this caused the difficulty at Washington, whereas they knew that that vote passed on the 22nd of March, whereas the American Commissioners made the offer to allow certain articles to go in free on the 25th of March.

**Hon. Sir JOHN A. MACDONALD** said they did not know anything of the kind.

**Hon. Mr. MACKENZIE** maintained that the papers showed the date.

**Hon. Sir JOHN A. MACDONALD** said the papers only showed that the last of a series of meetings was held on the 25th of March whereas the other was made at an early meeting.

**Hon. Mr. MACKENZIE** said the excuse made by the hon. gentlemen was set aside by the dates, and every one must see the small effect that the legislation would have on the minds of the people of the United States. He had pointed out at the time that it was folly to suppose that the imposition of a tax of \$200,000 upon American products would frighten 40,000,000

May 3, 1872

of people into reciprocity. It was too late in the day to claim that, but for the action of this House, the result desired by the country would have been obtained—for the hon. gentleman must have known well everything that transpired at Ottawa.

Again we were told to be thankful because we still had the Hudson's Bay as a reserve, and that in the course of 12 years we would find good fish there; but we had Hudson's Bay before. The hon. gentleman had asserted that those who were chiefly interested in the fisheries were very willing that the Treaty should take effect. He did not know how the hon. gentlemen from the Lower Provinces might vote, but he knew how one of the Local Legislatures had acted, and that a prominent member had made the strongest statements, and he quoted figures from the statement prepared by the Minister of Marine (Hon. Senator Mitchell) showing how great had been the growth of the fisheries under the system commenced in 1870. The growth was in consequence of our retaining possession and control of the fisheries in our own hands, and not allowing the Americans to ruin them.

He also quoted from a speech of a member of the New Brunswick Government to show the strong feelings that pervaded the Province, and said that the Lieut. Governor's speech itself was in the strongest terms in condemnation of the Treaty. He next called attention to a statement of the Premier regarding the navigation of the St. Lawrence. It was true that while the words literally sought to be construed as giving Americans no control over the canals, the hon. Premier would soon find that if he refused them the use of those works he would be told to do so in such a message as had frightened the Commissioners last year, and we would be told that we had practically annulled the treaty. The Americans would again set their hearts on securing the use of the canals, and having set their hearts on anything seemed to be ground enough for the British Commissioners to grant them anything they desire.

He maintained that Canada had the best of claims to the site of the St. Clair Flats Canal, and stated that one of the highest United States engineering authorities had come to the same conclusion. Respecting his speech about the navigation of Lake Michigan to which Hon. Sir John A. Macdonald had referred, he stated that he still held the opinion that we were as much entitled to the navigation of Lake Michigan as we are to that of Lake Huron and Georgian Bay. We never claimed we could exclude the Americans from the Georgian Bay, but they had taken the pains to establish their control over the Straits of Mackinaw by erecting a Custom House there and charging tolls on Canadian vessels. He could not see any difference in the position between the Mackinaw Straits and the St. Lawrence between Cornwall and Montreal.

He did not believe that the Commissioners at the time had made provision respecting the Alabama claims or knew anything about the Russian treaty with England on the subject. The Premier had omitted to tell the House why the Commissioners had neglected to secure to British subjects the navigation of the Columbia river—a most important item—as that river was situated in exactly the same

position as the St. Lawrence, but British subjects had no right to use it because its mouth was in the United States territory.

It had not been his intention to speak at all that evening, as it was the intention of his friends to place on record their views on the subject, and he therefore deferred further remark until the second reading. The Premier had referred rather severely to the views expressed by some of the leading journals in the Province. Before this matter closed, perhaps he (Hon. Mr. Mackenzie) would show to the House how different were the views which the governmental journals expressed at the time the Treaty was negotiated from the opinions they now put forth. He (Hon. Mr. Mackenzie) recognized his status as a Canadian and British subject, and he was willing to accept his share of the responsibility of all Imperial transactions; but he was not willing that an Imperial policy affecting us should be adopted without our sanction, without our having a voice in the matter; and the only Imperial policy that could ever be successful in meeting firmly the many branches of the Imperial family was one based upon the interests of the entire British possessions over the globe, and if we were to be restrained from expressing our views as to what Imperial policy in that respect should be, then there would be an end to the free discussion—an end to that free deliberation which that House was used to and which Canada expected should have some influence in deciding her future destinies.

And yet the hon. Premier asked the House to accept the money consideration, and reproached him because he ventured to object to that principle. How easy it was to refer to the denunciation which the Government had itself very properly hurled against all money considerations in regard to great political objects. The Government, in their note of the 25th July, saw that the principle of money payment for the cession of territorial rights had ever been most repugnant to the feelings of the Canadian people. Now, the hon. gentleman and his colleagues in this despatch spoke of our ceding territorial rights, but when presenting his argument here in another place, he denied that any territorial rights were ceded at all, and he asked the House at any rate to accept money for what was conceded. The hon. gentleman said, in effect: "You have been paid for the Fenian claims; you are to get some assistance in the shape of an Imperial endorsement to build this great Pacific railway. There is an opportunity for you, and if you behave yourself properly you may even get the loan of £1,400,000 sterling, which was guaranteed to fortifications, applied to railway purposes also, as there is no more need of fortification, and the danger of trouble arising between England and the United States is at an end".

Well, if there was no more need of fortifications and defensive preparations, was the House to have no militia estimates this year? (*Hear, hear.*) Was the hon. gentleman opposite, the Minister of Militia (Hon. Sir George-É. Cartier), to forbear purchasing the equipments and supplies necessary to keep 40,000 soldiers in the field? Was he to disband this army, and spend no more money in maintaining these soldiers in a state of efficiency? Surely that might be the case if a millennial era of peace and happiness was dawning upon the country in consequence of the negotiations that had been



carried on with the United States. Surely that must be the case if we were to enjoy fully that peace which had been purchased at the sacrifice of our territorial rights? (*Hear, hear.*) The difference between the amount of interest which would have been payable on Canadian bonds without the Imperial guarantee and the amount payable on those bonds with the guarantee was all the advantage we gained. It did not, according to his calculations, amount to more than \$150,000. This was what was to be accepted as an equivalent for the valuable rights surrendered; and more than that, it had not even been offered, but Ministers had placed themselves in one humiliating position of having asked it at the hands of the Imperial Government. (*Hear, hear.*) The paltriness of the advantage, if it was an advantage at all, he had mentioned the other night in some remarks he had made on the budget speech of the Minister of Finance, and what he had heard since only confirmed him in his opinion.

Nothing would ever remove the feeling and sense of degradation with which he was filled at the Government of this country literally humiliating themselves in the dust to crave that instead of a settlement of these Fenian claims, which they had forborne to press upon the attention of England when they ought to have been pressed, instead of demanding redress from those who had done the wrong, they should receive this wretched consideration of money. (*Hear, hear.*) He believed that this country was able and willing to repay principal and interest, all the money it ought to be necessary to borrow, without begging from the Imperial Government for favours in exchange for undoubted territorial rights. He believed Canada would have been abundantly able to obtain upon its own security and almost upon as favourable terms as upon endorsement of the British Government every dollar requisite to carry out all the necessary and desirable works of improvement; and believing that, he felt that, on no consideration ought we to yield our honor at the shrine of Mammon, on no consideration ought we to have bartered away our heritage for this questionable equivalent of money.

He thought the House, and he was sure the great body of people

of the country, felt so too; and he hoped that vote which would be given up on this Bill would redound to the dignity and independence of Parliament, would prove our devotion to the true interests of the Empire and honor of Canada, and would be a fearless assertion of our rights as people and our dignity as British subjects, such as he believed would be sustained by the public opinion of the country. (*Cheers.*)

**Hon. Mr. BLAKE** moved an adjournment of the debate.

**Hon. Sir JOHN A. MACDONALD** asked the hon. gentleman if it was intended to oppose the first reading. If not, the Bill ought now to be read and the remainder of the discussion could be carried on upon the second reading.

**Hon. Mr. BLAKE** said if the motion for the first reading was fixed for an early day he would not oppose the first reading now.

**Hon. Sir JOHN A. MACDONALD** said he would set it down on the orders for Tuesday.

**Hon. Mr. BLAKE** asked that it should then be made the first order.

**Hon. Sir JOHN A. MACDONALD** would not make any promise upon that point. It was possible the bill would not be printed in time, and in any case there was other business which the Government desired to go on with first on Tuesday.

**Hon. Messrs. BLAKE, MACKENZIE** and others, pressed that the Bill should be made the first order on Tuesday, but Hon. Sir John A. Macdonald refused to yield, and finally they abandoned the attempt to fix a time for resuming the debate.

The Bill was then read a first time, and the House adjourned at 11.15 p.m.

May 6, 1872

## HOUSE OF COMMONS

Monday, May 6, 1872

The **SPEAKER** took the chair at three o'clock.

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*Prayers*

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A number of petitions were read.

**Mr. MASSON (Soulanges)** wanted a French version of Hon. Sir John A. Macdonald's speech, one of the best that had ever been pronounced in the House, so that it might be the more particularly appreciated by himself and other gentlemen of his origin. He looked upon it as a matter of some importance. He wanted to know as next Thursday was a holiday, whether it was intended to sit on Saturday. If not, he would go home on Thursday and return on Monday.

**Hon. Sir GEORGE-É. CARTIER** said that the hon. member had asked for the publication of the able speech of the leader of the Government, and he felt proud of that, but the pamphlet would have to embrace the speeches against as well as in favour of the measure, and must therefore be left to the Joint Committee on Printing. If the public mind would be in any way assisted by the more particular publication of his hon. colleague's excellent speech, the Government certainly would have no objection.

**Hon. Sir A.T. GALT** desired to know what steps had been taken with regard to the representation of Canada in the San Juan Boundary Question left to the decision of the Emperor of Germany.

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## THE REDISTRIBUTION OF SEATS

**Hon. Mr. BLAKE** asked when the Government proposed to introduce a Bill respecting the redistribution of seats. He had more than once pointed out that there was very great necessity, that there should be a considerable interval between the introduction and its second reading.

**Hon. Sir GEORGE-É. CARTIER** said the Bill would be introduced as soon as possible; but he could not say on what day. He went on to say that the Government had not been idle in preparing and introducing measures and reports, and greater progress had been made than in any previous session during the same time.

**Hon. Mr. MACKENZIE** said the hon. gentleman had no reason to boast of placing the departmental reports at an early day before the House. They ought to have been prepared months ago. To bring down Public Accounts ten months after they were made up was certainly nothing to boast of. If ordinary diligence had been observed, they would have been brought down the first day of the session—even if the House had met at the proper time, the 1<sup>st</sup> February. It was only two days since the Pacific Railway Bill was printed. The Treaty Bill had not yet been printed. Nothing but two small Government Bills had yet been printed. They had been told by a Government organ that the session would only last six weeks; and yet one of the most important measures was not yet brought before the House. The estimates had not yet been touched, and no part of the serious work of the session had been done.

**Hon. Mr. HOLTON** said the only measure that required preparation after the meeting of the House was that respecting the Treaty, which was the cause of the postponement of the meeting of Parliament. All the other measures might have been laid upon the table the very day after the address was passed; and it was a gross dereliction of duty on the part of the Government that the measure founded on the Census had not yet been introduced.

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## FRANKING AND TELEGRAPHING

**Mr. THOMPSON (Haldimand)** desired to know whether it was the intention to bring down the return about the franking privileges concerning which he moved last session.

**Hon. Mr. TUPPER:** In a few days; the matter had been overlooked.

**Hon. Sir GEORGE-É. CARTIER** submitted a return relative to the surplus over debts of the late Provinces of Ontario and Quebec.

**Mr. JONES (Leeds North and Grenville North)** asked for information concerning the North West boundary of Ontario and was informed that the matter was under the consideration and investigation of the Government.

**Mr. FORTIER** enquired whether it is the intention of the Government to introduce during the present session, a general measure for the regulation and inspection of fish.



**Hon. Sir FRANCIS HINCKS** replied that there was already a resolution before the House on this subject.

**Mr. MASSON (Soulanges)** enquired whether it was the intention of the Government to cause a light house to be erected at Port Lewis, in the Parish of St. Anicet, on Lake St. Francis, as requested in the petition signed by a large number of Captains in command of steam vessels and others.

**Hon. Mr. LANGEVIN** replied that the matter was under the consideration of the Government.

**Mr. MILLS** enquired whether it is the intention of the Government to ask the House for an appropriation for the improvement of the navigation of the Rivers Thames and Sydenham.

**Hon. Mr. LANGEVIN** replied that the attention of the Government had been called by the hon. member for Kent (Mr. Stephenson) and a deputation from Chatham, to the obstructions said to exist at the mouth of the River Thames, and the matter was being considered. As to the River Sydenham the attention of his department had not been called to the matter.

**Mr. POZER** enquired whether contractors for Section 6 of the Intercolonial Railway, whose contract has been annulled, had been discharged from their obligations, and whether the Government or any member thereof, had in any manner promised, or whether it had been agreed to indemnify the said contractors (and their securities) for the value of the work done, instead of paying for each work in conformity with the terms of the said contract?

**Hon. Mr. LANGEVIN** replied that the contractors had not been discharged from obligations, that no promise had been made by the Government or any member thereof, but that those contractors, as well as others similarly situated, had made representations to the Government which were under consideration.

**Mr. JONES (Halifax)** enquired whether it is the intention of the Government to make provision for the payment of the increased subsidy to the Provinces of Nova Scotia and New Brunswick from 1st July, 1871, according to the Census Returns as provided by the B.N.A. Act.

**Hon. Sir FRANCIS HINCKS** replied that it was certainly the intention of the Government to do so.

**Mr. POZER** enquired whether it is the intention of the Government to indemnify the contractors for Section 6 of the Intercolonial Railway, for the value of the work done, instead of paying for such work in conformity with the terms of the said contract.

**Hon. Mr. LANGEVIN** replied that the intention of the Government had been called to the matter by the contractors, and

also by petitions numerously signed by members of the House of Commons, and that the matter was under consideration.

**Mr. HOLMES** enquired whether it is the intention of the Government to make any change in relation to rationing and paying of the Volunteers while performing their annual drill this year; and if so, what is the nature of the change?

**Hon. Sir GEORGE-É. CARTIER** replied that the sums placed in the Estimates now before the House were on the same scale as last year, but it would be gratifying to him if the House should come to the conclusion that the pay and rationing were not sufficient. It was, however, a matter for the House to decide.

**Mr. MASSON (Soulanges)** enquired whether it is true that the sum of \$960, or any other sum of money was due to Laughlin McLaughlin, Esq., one of the persons employed on the Intercolonial Railway; and if so, why such sum had not been paid to him, and whether it would be soon paid?

**Hon. Mr. LANGEVIN** replied that Mr. McLaughlin had communicated with the Government on the matter; and that his representations had been referred to the Commissioners of the Intercolonial Railway who had found that they owed no money to Mr. McLaughlin.

**Mr. GRANT** enquired whether it is the intention of the Government to supply each of the Members of the various Local Parliaments with a copy of the Parliamentary Sessional papers.

**Hon. Sir GEORGE-É. CARTIER** replied that this was not a matter for the discussion of the Government, it rested entirely with the House.

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## FENIAN RAIDS

**Mr. CARTWRIGHT** moved, seconded by **Mr. ROSS (Prince Edward)**, and the Question being proposed: That this House do now resolve itself into a Committee to consider the following Resolutions:—

1. That this House regrets to learn that Her Majesty's Advisers have seen fit to assume the responsibility of withdrawing the claims of the Dominion of Canada, against the United States, for compensation on account of injuries arising from the Fenian raids.

2. That this House cannot but feel that the proposal to indemnify the people of Canada, whether directly or indirectly, at the expense of the English tax-payer, for wrongs committed by subjects of a Foreign State, is impolitic, both in itself and as tending to produce just dissatisfaction in the Mother Country, and furthermore that

May 6, 1872

such a course of action is likely to operate as a direct incentive to renewed outrages, inasmuch as it is notorious that the above-mentioned raids have arisen rather from feelings of hostility to the Imperial Government as a whole, than from any special animosity to the inhabitants of this Dominion.

3. That taking into consideration the circumstances under which these inroads were committed, this House is apprehensive that the refusal of the British Government to press these claims is calculated to encourage the people and Government of the United States in the belief that the due discharge of their international obligations towards the Dominion of Canada, is a matter of comparative indifference to Her Majesty's Imperial Cabinet.

He regretted the necessity for calling attention to the subject. He referred to the steps taken before the initiation of the Conference at Washington, and stated that there were very many hon. members who, although they felt that the British Government had acted with very great precipitancy, and had, perhaps shown less consideration and courtesy to the Dominion than we were entitled to, still felt that there might have been urgent circumstances to justify that precipitancy and that departure from the courtesy which should have regulated the intercourse between the two Governments.

When the resolutions of the hon. member for Sherbrooke (Hon. Sir A.T. Galt) were under discussion, it was felt that a very delicate crisis had arrived which called for forbearance on the part of the House. He thought the House had perhaps taken an overgenerous view of that subject, but he would not criticize it now.

He had listened with great attention to the remarks of the Minister of Justice (Hon. Sir John A. Macdonald) and he might say, as regards the Treaty, that he most fully recognized the importance of the reservations which he (Hon. Sir John A. Macdonald) had made. We could not be blind to the result of recent events in Europe which had rendered the position of Great Britain somewhat critical, nor could we disguise from ourselves the deep interest we had in the settlement of all questions between England and the United States, especially seeing the large undertakings entered upon and proposed by Canada, and he was willing to make large concessions for the sake of peace, but these must not be such as would affect the honor of the country.

He did not intend to discuss, however, the merits or demerits of the Treaty, but would confine his remarks to the matter indicated in his resolutions. He frankly admitted that up to a certain point the conduct of the Government in respect to the Fenian claims was such as commended itself to his judgment. He had no fault to find with the language used by the Canadian Government in their despatches to the British Government, and was bound to say that it would be difficult to use plainer language than that the Privy Council had seen fit, and justly, to use.

He believed that all would acknowledge that the Government had called attention to these demands in good time. He found that the

correspondence had been commenced as early as 1868 and the papers brought down showed that it had been kept up, and after perusing it he thought the Government were not to blame for want of plain speaking.

He could not forbear calling attention to the remarkable language in the Minutes of the Privy Council of 28th, July, 1871, with reference to those claims, to the effect that the Fenian organization was in full force, and there did not seem to be any prospect of the United States Government taking steps to suppress it; that although this Fenian organization had been in existence for nearly seven years, it did not appear that Her Majesty's Government had made any vigorous effort to induce the Government of the United States to perform its duty to a people who desired to live with them on terms of amity and who during the Civil War performed all the duties of neutrals to the expressed satisfaction of the Government of the United States, but that, on the contrary, while it was the general opinion of the people of Canada that the Government of the United States neglected until much too late, to take measures to prevent the raid of 1870, Her Majesty's Government hastened to acknowledge the prompt action of the President and to thank him for it.

He (Mr. Cartwright) did not know that we could ask for much stronger language than that, and regretted that the Government should have seen fit to change their ground afterwards, and should have concurred in the withdrawal of the Fenian claims, not in the general interests of the Empire, but solely for the sake of a small pecuniary advantage to assist them in building the Pacific Railway. He would be the last man to encourage extravagance, but he would say that he would rather see the country deluged with irredeemable paper currency ten times over than that they should have had recourse to such measures.

He did not blame the Canadian Government altogether for this, but contended that the present Government in England in making the English people pay for damages done by American citizens was humiliating to the English nation, and unless the feeling had changed in England there would be such an expression of feeling as would startle the Government of Mr. Gladstone from the indifference with which they have regarded these matters hitherto. He did not believe that a firm expression of our claims would have exasperated the minds of the American Commissioners, but was convinced that the step that had been taken would be an incentive of the Fenian organization to renew their murderous work.

Up to the present he admitted that we had been tolerably well protected against these incursions owing however more to the incompetence and cowardness of the Fenian leaders than to the competence of those who were sent to oppose them.

He regretted the course the Government had taken in obtaining the guarantee as one of a sordid and humiliating character. He thought an Imperial guarantee might reasonably be given for the Pacific Railway. He mentioned that the British Commissioners threw away their whole case when they allowed their more crafty



American brethren to throw out the Fenian claims. By what argument could the United States have enforced their claims which we could not more strongly urge in our case? Did any man believe that the United States would have respected Great Britain less, or that a less favorable treaty would have been arranged if our claims had been pressed? He could not but feel that a very grave question was opened up by this. He could not but feel that if we should ask for damages on account of another raid we should be placed in a very bad position.

With what force could a British Minister ask damages from the United States for other Fenian raids after what had taken place? He then went on to deprecate the mistaken feeling which existed in England towards Canada, and in conclusion said he would rather take a dollar and an apology from the United States than a million of compensation from England.

**Mr. ROSS (Prince Edward)** desired to say a few words as seconder of the motion. He fully agreed in the wording of the resolutions and in the sentiments expressed by the mover. He had been glad to support the Government in their manly protest against the Fenian raids, as shown in the communication from the Privy Council to the Imperial Government now before the House, but when they backed down and proposed a money payment by England for the loss sustained by Canada in life and property, at the hands of scoundrels who came over to murder our people, he could not sustain them.

He considered this matter the most important of all those laid before the Commissioners, and complained that the claim should have been withdrawn simply because the American Commissioners objected to it. The loss to Canada on account of this matter since 1863 would amount to \$10,000,000, for it was no small matter to call out twenty or thirty thousand men and drill them yearly, and at a time when they were most wanted at home, and all for a paltry sum of 50 cents a day and rations.

With regard to the last raid into Manitoba, he thought the whole matter had been most disgracefully managed, it must condemn the action of the Lt. Governor. He hoped the motion and the resolutions would pass, although he did not desire to condemn either the Canadian or the Imperial Government. (*Laughter.*)

On the motion that the Speaker should leave the chair being put,

**Hon. Sir GEORGE-É. CARTIER** rose and said he much regretted that the mover had not waited until the whole of the questions connected with the Treaty were under discussion, so that it could be dealt with in a tangible way.

The principal object of the motion was not so much to censure the Canadian as the Imperial Government. It has been stated, both here and in the English Parliament that what was done at Washington was under the direction and immediate responsibility

of the British Cabinet. No doubt the people of Canada might have been better pleased if it had been possible that the indemnity for the Fenian losses could have been paid out of the American Exchequer, but Canada could not direct the English Cabinet in the matter. The Government of Canada had represented the matter in such a clear and strong manner that really the mover might be suspected of having drawn his words and sentiments from the language used by the Government as laid before the House. Of course the House had full liberty to discuss the matter, but it was scarcely fair to censure the Imperial Ministers when they could not be present to defend themselves. Was it English to do so?

Then there was another point in which he must complain of the observations of his hon. friend. He had listened with great regret to expressions which tended to indicate that the active militia of Canada had not done their duty intelligently and well in expelling the Fenian invasion.

**Mr. CARTWRIGHT** said he had not intended any such meaning. He had spoken only of the incapacity of some of the leaders, but had not specified whether they were volunteers or regulars.

**Hon. Sir GEORGE-É. CARTIER** said let the hon. gentleman attack him in any manly way and he would see whether he (*Hon. Sir George-É. Cartier*) was not able to defend himself. (*Laughter.*)

**Mr. CARTWRIGHT** said he must admit that he believed the hon. gentleman had pluck enough for anything. (*Renewed laughter.*)

**Hon. Sir GEORGE-É. CARTIER** said he must thank his friend for so kind an expression, but he believed that the volunteers had quite as much pluck as he himself had, and he must deny that there was any want of intelligence or bravery on the part either of the officers or the men who had gone out to meet the Fenians. The hon. member had implied that Canada was saved more by the awkwardness of the invaders than by the ability of her defenders. He denied this, but if the hon. gentleman believed such to be the case why did not he, who was possessed of such intelligence and powers of organization, why did he not endeavor to mend matters? He hoped this would be the last complaint of the kind from the hon. gentleman, for otherwise he should feel disposed to submit a direct resolution to the House, to force the hon. member to join the force and assist in its organization. (*Great laughter.*)

Then again the hon. gentleman had dwelt on the humiliation felt by England on account of having to settle the losses of Canada. But he contended that there was no room for such humiliation, but that England, by her whole conduct in the matter, had by the action of the Commissioners, and by the apology she had offered at the commencement of the proceedings for anything in which she might have been in the wrong, had raised the English character still higher before the whole world.

May 6, 1872

As to the action of the Canadian Government, all they could do was to present their claims to England, this they had done, and England at first determined to press it, but she afterwards took on herself the responsibility of withdrawing it. This had been admitted by both Mr. Gladstone and Lord Granville, and as a matter of course in assuming the responsibility of withdrawing the claims of Canada, they assumed the payment of any indemnity which Canada had the right to expect from the United States.

It must also be borne in mind that England had incurred equal expense with Canada in the matter, and, therefore, if she had pressed the claim of Canada, she must have pressed her own also, and, therefore, when England forbore to press her own claim and further resumed the responsibility of withdrawing that of Canada, what further could the Canadian Government do in the matter? He thought the Imperial guarantee should be well considered and weighed by the House for Canada required that her great public works should be known throughout the world, and this guarantee was the best evidence that could possibly be adduced to prove to the United States and to the world that England intended to continue her connection with and her protection of the Dominion.

No doubt the English Government might have carried a direct vote of money to pay Canada's claim, for there were doubtless many who would have seen such as evidence of England's intention to stand by Canada, but was not the arrangement now proposed the best? The guarantee had reference to the Fenian claim only and, was not, as the hon. mover had desired to show, conditional on the acceptance of the whole Treaty.

Under the circumstances, and considering the terms of the resolution, he hoped the House would agree with him that it was utterly irrelevant.

**Hon. Mr. McDougall (Lanark North)** said although to a very great extent he agreed with the sentiments of the hon. mover, he could not but consider the resolutions irrelevant as the House could not affirm them in the shape presented and then (as appeared to be the intention) the Treaty with all its dependent arrangements. The hon. gentleman seemed to propose want of confidence in the Imperial Government. While at the same time he did not seem to complain very much of the Canadian Government for he admitted they stood up for the rights of Canada, and had urged their view with vigor and well on the Imperial Government. Well, this was not successful. The Imperial Government did not consider that in view of all the circumstances connected with the Alabama difficulty it was expedient to urge a claim for compensation for the Fenian raids.

They decided deliberately and it must be assumed that they acted honestly and with a true sense of their responsibility as

acting on behalf of the Empire. The hon. gentleman (Mr. Cartwright) seemed to think otherwise, however, and proposed to censure them, but in the absence of all the facts and considerations present to the mind of the Imperial Government and the Commissioner, he (Hon. Mr. McDougall) did not feel disposed to pronounce, as a member of that House, in such a positive form as that involved in the resolutions, and he could not but think them inexpedient and impolitic, and that there was nothing to be gained by affirming them. He considered they might suit the hustings or might be properly discussed in the press, but that that House was rather to pass laws and affirm practical propositions.

Expressing regret and humiliation was all very well as rhetoric, but what was to follow—was the English Cabinet to resign? (*Laughter and cheers.*)

The second resolution he thought was contradictory. It first expressed regret that England should indemnify Canada for losses sustained at the hands of the citizens of a Foreign State and added as a reason, that the raids resulted from feelings of hostility to England and not to Canada. To him this seemed really a reason why England should pay.

**Mr. CARTWRIGHT** said the resolutions censured the course of action taken by the Government for the reason that it was a direct incentive to renewed outrages.

**Hon. Mr. McDougall (Lanark North)** said that that was one of the reasons, but the reason given for the middle proposition destroyed that for the first.

**Mr. CARTWRIGHT** said the reasons were threefold,—first, that the action was impolitic in itself; second, that it was humiliating to the English people; and third, that it was an incentive to renewed outrages.

**Hon. Mr. McDougall (Lanark North)** could not admit that the conclusions were deducible from the reasons. He did not think that the English Government or people were indifferent to the fact that the international obligations of the United States to Canada, had not been observed with the strictness that Canada had a right to expect. The tone of the English press and the speeches in Parliament would not warrant such a conclusion, and he must say it would be impolitic and ungracious to affirm such a resolution. There seemed to be some confusion on the subject of the Fenian losses.

He believed there was a new ground for the objection raised by the American Commissioners, that the matter was not included in the order of reference—but assuming that it might have been included, had the Americans asserted it, it must be admitted that the losses were entirely inferential, and were



sustained by the Government. Of course the loss of life was direct and serious enough, but the amount of money lost must have been trifling, while the great bulk of the claim consisted in the expenses incurred in the invasions and threats of invasion and in arming the volunteers and other preparations. The claim was therefore in its very nature inferential, though on a previous occasion the member for Lambton (Hon. Mr. Mackenzie) taunted the Government because they presented the claim in a consequential form, but in what other forms could that have been presented in?

If therefore the Commissioners had insisted that the claim should be received and disposed of, the very same principle and the very same argument would have applied to the immense claims of the United States for the consequential damages in connection with the Alabama, and it had struck him at the time that the English Government had acted most judiciously in withdrawing the claim, so that there could be no argument to support a claim for consequential damages.

He thought the claim of Canada against the Imperial Government to have some recognition of her losses was a good one, as we were not the provoking parties, and the invasion was not against Canada, but was an attack on and an insult to the British flag over our head, and this being so, our fellow subjects in the other parts of the Empire were bound to contribute their share of our loss, and he could see nothing humiliating or undignified in the matter.

Years ago Canada had been proud to assist the Empire in the struggle against Russia, and had boasted of it, and so now there was no humiliation in asking England to assist her in some way. Assuming then that England offered us her guarantee for the sum that had been named in connection with the Fenian losses alone, he could not see that she could do more, and thought that we should accept it thankfully, and as an evidence that the people and Government of England were prepared to strengthen the bonds of connection between them and us, and that they entered into a new alliance with us, with a desire to show their sympathy and good will towards their fellow subjects in Canada.

In this sense the offer would be received by all loyal subjects, though he in no degree doubted the loyalty of the mover of the resolution, but that gentleman had lapsed into a complaining mood lately. He referred as an instance to the action of Mr. Cartwright in his vote of censure last Session in the matter of withdrawal of the troops, and he hoped the hon. member would perceive that it was neither expedient or proper to ask the House to affirm a resolution expressing regret because the Imperial Government deemed it proper to arrange our Fenian losses in a manner different from that we desired. (*Loud Cheers.*)

It being six o'clock the House rose.

## AFTER RECESS

**Mr. MASSON (Terrebonne)** resumed the debate. He said he could not support the motion. It was not avowedly a motion of non-confidence, and if it declared a want of confidence in any body it was in the British Government. He did not altogether approve of England's mode of treating this country in respect to the withdrawal of the troops; but it was no use indulging in recriminations in view of the arrangement now in progress. Such recriminations could only do us harm, and they certainly could do us no good. The motion was inconsistent with itself, because, in the first place, it blamed England for withdrawing our claims at Washington, and in the next, because it alleges that we had no claims upon England. The House would be doing wrong in throwing taunts at the Mother Country, or passing resolutions which would cast a slur upon her honour.

**Mr. HARRISON** said that viewing the fact that we are about to build a great inter-oceanic railway, in which work we were expecting to receive Imperial aid, it would be short-sighted policy to pass a resolution of this kind. The hon. gentleman who introduced it had said that the subject was an unpleasant one. He quite concurred with the hon. gentleman in that opinion, and he would ask why introduce unpleasant subjects for discussion, in this House, if no good were to arise from the discussion? (*Hear, hear.*)

He quite agreed with the mover of the resolution with regard to Canada possessing a good claim for these Fenian outrages, and whenever he had occasion to say anything in the House upon the subject he had always asserted that these expeditions were simply and solely outrages of the worst kind, and that they were breaches of international law, and that it was a wrong against the country to have permitted these men openly to band themselves together in the United States without any disposition having been shown to keep check or to prevent them injuring life and property in this country.

He had always felt that when the United States Government did interfere, it was only when their interference was no longer required; and in those cases where they had arrested these marauders instead of punishing them, they had liberated them after a short imprisonment which was little more than a farce.

Under these circumstances, he quite agreed that it was right for the Canadian Government to have brought under the attention of the Imperial Government the question of our right to compensation for these inroads. That was exactly what the Government had done. They had brought the matter before the Imperial Government in language that was strong and emphatic, and they had done all that was in their power in order to obtain redress.

May 6, 1872

The hon. gentleman had said, however, that he did not by this resolution intend to blame the Imperial Government. Who then was to be blamed? If no one was to be blamed, if the resolution was to effect nothing, why had it been brought up for discussion at all? In fact, it was neither more nor less than a censure of the Imperial Government. Well, if it would lead to the downfall of the Gladstone government, he (Mr. Harrison) would support it with all his might. (*Hear, hear.*)

It was not pretended, however, that it would have that, or indeed any effect. The House knew that these claims had not been withdrawn except for Government reasons, that it was not from cowardice or from any other unworthy motive. The Imperial Government had failed to press them.

In taking the responsibility of withdrawing them, the Imperial Government admitted the right of Canada to compensation. While then we had a right to look to England for that compensation because she had taken the responsibility of preventing our seeking payment from the United States, it was our duty, remembering the motherly kindness of the people of England, to make the burden lie as lightly upon them as possible.

The mode of settlement proposed by the Government just met this condition. It gave us in Canada a great benefit, and it compensated us for our losses while it cost the Mother Country nothing at all. The mover of the resolution had objected to this settlement, saying England might as well pay the money as endorse paper for Canada. (*Laughter.*) Well, he (Mr. Harrison) would not be above endorsing paper himself for Canada, (*Laughter*) for he believed such an operation would not be only pleasant but entirely safe. It was impossible that the liability England was incurring would ever become an actual liability.

As for Fenian marauders again troubling our country, he had no apprehensions on that score. Entertaining these views, first, that the resolution was more mischievous than useful, and, second that it censured the Imperial Government when censure was out of place, he would move the following amendment:

That this House does not consider that the interests of the Dominion will be promoted or the relations now happily existing between the Mother Country strengthened by an expression of opinion on the subject of the withdrawal of the Fenian claims by the Imperial Government before the Joint High Commission.

**Hon. Mr. MACKENZIE** thought that the hon. gentlemen opposite, acting in their capacities as representatives of the people and as the governing bodies of this country, had no hesitation in declaiming on the policy of the Imperial Government, for they had told them to their face that they disapproved of the course taken with regard to the Fenian claims.

It seemed, however, to be considered quite right for the Canadian Government to censure the Imperial Government in the matter, but

quite wrong for the House to give expression to its feeling as bearing hard upon the Imperial policy. He thought anything the Cabinet could do, the House also could by the expressions of individual members, and a clear expression of public opinion, which would be more justifiable than the expression of the Ministry in their individual capacity.

The argument of the hon. member for Lanark North (Hon. Mr. McDougall) was complete, except it begged the premises. He had said that the entire claims for the Fenian raids were consequential. The entire amount was not consequential but real and direct damages, and could be assessed as fairly as the loss of any vessel destroyed by the Alabama.

**Hon. Mr. McDOUGALL (Lanark North):** What are they?

**Hon. Mr. MACKENZIE:** There is an amount of \$700,000 for goods destroyed and compensation due to the relatives of those who fell.

**Hon. Mr. McDOUGALL (Lanark North):** I referred to those.

**Hon. Mr. MACKENZIE:** Yes, but not as direct damages. It was not, however, a mere question of money. He had always treated that as of much less consequence than the continued irruptions into our country by these marauders, and the condonation of their offences. His hon. friend the member for Toronto West (Mr. Harrison) had said they all knew how our brave volunteers had come to the front when danger threatened: That was quite true; they came in 1866, for he (Hon. Mr. Mackenzie) was there as a volunteer with the rest, but they came back in 1870 and again in 1871, and they may come in 1872 or 1873.

In consequence of the policy adopted towards these marauders, they are led to say—"the United States will not imprison us, and if they do the courts will pardon us. The Government of Great Britain will not insist upon the United States making any apology or reparation; and all that can happen will be that the Canadian Government will demand indemnity of the British government," etc.

This had a direct tendency to lead these people to continued incursions into our country. He was prepared to support a motion to go into Committee on this question. He did not care what shape the resolution took, but as long as the House had to deal with great expenditures of money for irruptions by these marauders, and so long as our Commissioners took so wrong a ground as they seem to have taken, he considered the whole matter was one for discussion of this House.

**Hon. Sir A.T. GALT** did not think the consideration of this subject would be mixed up with that of the Treaty, as had been said by several hon. members. It was, perhaps, unavoidable that one should be connected with the other, although the mover of the



resolution was not responsible for the discussion having taken the direction it had.

The question really was, whether this House, as representatives of the people of Canada, had any right to express an opinion on a matter of Imperial policy. Upon that point, he thought the argument was wholly with his hon. friend the member for Lennox (Mr. Cartwright). As had been stated by the member for Lambton (Hon. Mr. Mackenzie), the Government had assumed the right to criticize the Imperial Government, and surely this House, which was the author of their power, had an equal right to criticise it.

In truth the House was constantly expressing opinions on Imperial matters by passing addresses of congratulations and otherwise, and if it could congratulate in one case it must certainly have a right to censure in another, especially when it had reason to believe that Canadian interests had been neglected. Besides if the House did not express its opinions with regard to the withdrawal of these claims, the Imperial Government might assume that this country was satisfied; but so far from being the case, a very strong feeling existed throughout the country that this was a matter which should have been urged strongly by the Home Government. That was the feeling when these outrages were committed, and however time might affect the popular sentiment there was still a strong conviction that Canada had claims which could not be overlooked.

The action of the Commission was to forbear to press them, but he thought they had exceeded their duty when in addition to this they had given as a reason that they were of an indirect and inferential character. He presumed the reason they did that was to avoid establishing a precedent for consequential damages in the Alabama case; but he did not think the cases were analogous, and at any rate the American Government had put in, and the British Government had allowed them to put in claims to cover the expenditure caused by fitting out cruisers to pursue the Alabama.

If the Canadian claims, therefore, had not been admitted, we had a right to expect that consequential claims arising from the Alabama would have been declared equally inadmissible. (*Hear, hear.*)

His own opinion was that the House should go into committee on the resolution of the hon. member for Lennox. He (Hon. Sir A.T. Galt) was not prepared to go to the full length of the resolution, but he was prepared to say that he regretted that the claims had been withdrawn, and was further prepared to say perhaps that some of those words might be modified, but he thought as an expression of opinion that the resolution was only what was in the minds of every one in this country less than two years ago. He did not wish to go into any of the questions that might suggest themselves in connection with the subject. Perhaps they would come up more properly when the Treaty itself was under discussion. He did think when the country felt so deeply with regard to the Fenian claims, and when there was no assurance as to what would be done in the future if these raids were repeated, it would be a subject of regret to

the country, if not to the House, if the matter were left in the position in which it now stood.

**Hon. Mr. GRAY** would not have risen had it not been for the remarks of his hon. friend from Sherbrooke (Hon. Sir A.T. Galt). He had never read the history of Canada or of any public man with greater interest than he had heard the utterances of the hon. gentleman.

When he was a member of the Government it was proposed to the Imperial Government to interfere in the course which the Government of Canada thought it best to pursue in the interests of this country; the hon. gentleman said that they would not adopt any course unless they were allowed to manage this country with reference to the interests of its people. If it was sound in us to adopt as principle that the Imperial Government could not interfere in any matter in which the interests of this country were solely concerned, he thought the same rule applied to us, when the Imperial Government decides upon a policy for the Empire. The hon. member for Lanark North (Hon. Mr. McDougall) had put the question to the House in a clear and able manner.

He then quoted the first resolution, to which he said the Imperial Government would reply that we had no right to pass it unless we were prepared to represent the empire. The member for Lennox (Mr. Cartwright) had said that it was not the opinion of the British people, but of the Government; but the Government represented the people, and whether we agree with Mr. Gladstone or not, so long as he commands a majority of the House of Commons, he must be taken to represent the people, and to speak for them. He thought that this Parliament had a perfect right to make representations to England, and there was no question which affected the interests of this country more than a general desire to have an understanding in reference to the Fenian raids in the past and assurances of their prevention in the future; but he doubted if the resolution of the hon. member for Lennox was the correct mode of expressing the opinion of Canada.

He thought the motion, which he seconded, was a substantial motion to come up on this occasion. He agreed with the member for Lambton (Hon. Mr. Mackenzie) that the proper time for discussion on the matter was when the Bill was under discussion. He could not agree with the hon. member for Terrebonne (Mr. Masson) as to the error of the Imperial Government in withdrawing the troops. He thought they were bound to consider the Imperial interests, and so long as Canada had the assurance that by maintaining a good and active militia, she will, should necessity arise, be supported by the whole force of the Empire, surely she ought to be satisfied.

When the Fenian raids occurred the Imperial troops in the country assisted to drive the marauders back at the expense of the Empire and would do so again should necessity arise. Pecuniary compensation being now the mode of settling all disputes and claims, he thought the Government were justified in the course they had taken.

May 6, 1872

**Mr. STREET** thought it was to be regretted that this matter of the Fenian claims had not been strenuously urged. We all felt that a wrong had been done, and that it would be cause for gladness if the American people, who had supported the Fenian movement, had been called to pay for the damage that had been done by those outrages.

He did not, however, think it expedient at the present time to discuss the question of the withdrawal of these claims. The resolution was, in point of fact, a direct condemnation of the Government, and the people of England, and he did not think, under the circumstances, that it was one this House should pass.

Holding these views it was his intention to support the amendment of his hon. friend, and he only hoped that the amendment would meet the approbation of the House. Of course the great question which was involved in this matter would come up for consideration at another time, when the House would be able to speak more fully than in discussing the subject piecemeal. (*Hear, hear.*)

**Mr. MILLS** said they had been told that the Fenian raids were made upon Canada from hostility to Great Britain, and that, because Great Britain controlled the matter, and should have pressed the United States for compensation, we must now look to the Mother Country for reparation. He thought the object of Canada should be to substantiate the position taken, and that the American Government should guarantee that they would exercise diligence in the future: but he considered that, by accepting a money consideration from the Imperial Government, Canada would put it out of her power to deal with any matter of the kind in the future.

He referred to the acts of Southern refugees during the Civil War in the United States, and the demand of the American Government for the extradition of Barby and the St. Alban's raiders, and thought the Government should have demanded the extradition of O'Neil after the Fenian invasion of Manitoba. He knew that the Americans were afraid that such a demand would be made, as they felt that it could not be refused if made.

He could not see on what ground the resolutions of the member for Lennox (Mr. Cartwright) could be opposed. It could not be expected that Canada would submit to Fenian raids for the next 15 or 20 years because England will endorse her paper. He considered that the proposition of the Government was to sell the honour of the country for a certain consideration.

**Hon. Mr. TUPPER** thought a stranger entering our legislative halls for the first time would find a great deal of difficulty in ascertaining the position of public affairs by listening to the speeches of hon. gentlemen opposite. The least thing they would have expected, after listening to the very animated address of the hon. member for Lennox (Mr. Cartwright) would have been a frank, fair, manly statement of the facts as they existed. What were they? Canada, a dependency, and a very strong dependency of the British

Crown: Canada, a country fostered through long years of infancy and childhood to man's estate, was invaded by a lawless band. The Imperial Government expected that they would be prepared to strike in their own defence, as Canada did strike; but they gave her the aid of the Imperial forces at the expense of the Empire, and, having given that aid, and driven back the invaders, they at future stages pressed a claim for compensation to the country from whence the invasion came.

The House need not be told, after the able exposition of the First Minister (Hon. Sir John A. Macdonald) that England considered it to be of the greatest interest to Canada and the Empire that all questions of dispute between the two countries should be settled, and any one who heard that speech must be convinced that if there was one question more than another that rendered the parent state anxious for settlement of matters, it was the conviction that a struggle between the two countries, however comparatively unimportant to the parent state, would be a matter of vital importance to the younger country. England was prepared, at almost any sacrifice, to endeavour to arrange the whole of the questions on which they were at issue with the United States. She assumed the responsibility of instructing the Commissioners to withdraw the claim for Fenian losses rather than break up the whole negotiations, and leave her relations in regard to this continent in the same unfortunate position in which they before stood.

By the act of representation of the claim, they committed the Imperial character to it as just and legitimate; and by taking the responsibility of withdrawing that claim which was admitted, both by Lord Granville and Mr. Gladstone, they were prepared to assume the consequences and provide that Canada should not be precluded from compensation for injuries done to her. Was there in this anything that Canada could properly complain of? No; if there ever was an act committed by the Imperial Government that deserved the confidence and support of Canada it was the present.

The Government of Canada felt that they had a right under the circumstances; in the first place that the Imperial Government should press for compensation on the Government of the United States, which was done; and in the second, that should that compensation not be obtained, they had a right to some reparation at the hands of the Imperial Government. The result of the application was stated by the Minister of Finance (Hon. Sir Francis Hincks), viz: that Canada would receive compensation to the extent of \$600,000 a year.

If Canada had to go into the market for the large loan necessary to carry out her great public works her credit must have sustained a rude shock; but instead of that she would go side by side with England, and the result was the saving he had named. Was it nothing to the taxpayers and people of Canada that they could say, that, having suffered by those lawless invasions, and England having, in the interest of the Empire, felt it unwise under the circumstances to press their claim—which she admitted as just—they were compensated to the extent of \$600,000 a year? Were



these the circumstances under which the Parliament of Canada should say to the Imperial Government: "We think this is a time to censure you?" No: such a sentiment would receive a response whether inside or outside of the House. No man could be so lost to the interests of the country as to take such a view, and to say, "we do not wish imperial aid in the construction of our public works; we do not want any partnership."

It had been said by the mover of the resolution that the action of England would tend to encourage raids on Canada, but no rational man could possibly accept such a statement. England has shown that she considered our claims just, but that, failing to obtain redress for us, she was prepared to discharge the obligation herself, and to discharge it with no niggard hand, but in a way which, while it involved no payment by her taxpayers, was none the less valuable to Canada. Would such a guarantee of protection as this encourage oppression? It had been alleged that another raid had already taken place; but let it be compared with former ones. In the latter case the United States soldiers were employed to arrest the movement, and the prisoners, though at first released, were at the present moment under arrest for a new trial. He had listened with great pain to some of the remarks of the member for Lennox (Mr. Cartwright) who had shown such anxiety to assail the Imperial Government.

It would have been much more manly if the hon. member had brought his motion forward as a direct attack on the Government of Canada, for the action of the Imperial Government was at the instance of the Canadian Government, and, if there was any "ignominy," the term used by the member for Lennox (Mr. Cartwright), attached to the matter at all, it rested with the Government of Canada.

The hon. member had made a bold, unfortunate and ineffectual motion, and he had only couched his motion in its present form because he knew that the Canadian Government had the full confidence and support of the people, who would sustain the manly attitude they had assumed, and had attempted to assail the Parliament of England, 3,000 miles away. The remarks of the hon. gentleman had implied that Canada could not take care of herself.

He had cast an indelible slur on a force the country might be proud of; and if anything would tend to induce invasion, it was the utterance of the hon. gentleman himself. Further than this, he attempted to tear down the credit of the country by saying that England might as well have paid the money as put her name to the bond, and if the hon. gentleman's financial statements had any authority, they would tend to strike down the credit of the country. If the House was true to itself and to Canada, it would vote down this bold, uncalled for, unqualified attempt to shake the good feeling that now existed between Canada and the Mother Country. (*Loud cheers.*)

**Hon. Mr. BLAKE** then said: So we are open to approve but not condemn. He did not doubt that if any independent

member had been rash enough to propose a motion to the effect that the withdrawal of the Fenian claim was highly advantageous to the interests of the country, hon. gentlemen would have denied it very properly, but there was to be no whisper of disapprobation. He had shared the feeling that a debate on this subject would conflict with the debate on the Treaty, and for that reason he would have given a silent vote but for the extraordinary speeches and the extraordinary amendment proposed, that it should be decided that the interests of the Dominion would not be promoted by an expression of opinion of the withdrawal of the Imperial claims.

The fact was the mover of this amendment desired the matter to be given up altogether, because he knew that an expression of opinion was sure to be unfavorable. The seconder of the amendment told them that in matters in which the Empire acted for us, we had not the right to speak. This, however, could not be, for the Government of the day had told the Imperial Government in pretty plain terms what they thought of the matter, whatever view might be taken in the discussion of the matter when the whole Treaty was before the House.

The proposed amendment was one for which no one could vote who had a proper sense of the independence and spirit of the country. They were not prepared to stultify themselves and decide that they should not discuss a question of such vital consequence.

The leader of the Government (Hon. Sir John A. Macdonald) informed them that a great concession had been made by Great Britain in raising her voice in protection of our fisheries, and that she had a right to cede the navigation of the St. Lawrence, aye, and the soil of the country, aye, and the people of the country.

As to the Fenian matter, however, he would read to the House what had been the action of the Government in the matter, and stated that the expressions were such that had he used them he would have been greeted with hisses, because, of course, all the loyalty was on the other side of the House. (*Hear, hear.*)

He then read extracts from printed papers laid before Parliament to show how strong had been the manner in which the Government had urged the claim of Canada for losses on account of the Fenian raids.

Then, he continued, a Commission was appointed; and what were the results? First, the United States demanded an expression of regret for the escape of the Alabama, and she got that. Then she demanded the adoption of new rules of international law, and she got that. Next she required the application of those new rules to the past acts, and that was given her.

May 6, 1872

On the other hand the Fenian claims were presented; claims in respect to the open organization, drilling, and arrangements by which the citizens of the United States were enabled to inflict raids and devastation on an unoffending country; claims differing in point of the enormity of the crime from any possible claim that could be imputed to the Imperial Government, as much as light from darkness; and yet although Mr. Secretary Fish had consented to the settlement of all claims standing between an amicable relation to the two nations, the American Commissioners coolly objected that these claims were not included, and the English Government, instead of insisting on their being dealt with, allowed them to remain unconsidered.

He maintained that the British Government must have understood from the first that the claims would be withdrawn. A great deal had been said about indirect damages but the question was not one of money at all. The question was what is the duty of the United States towards the people of this country? An acknowledgment that there had been a failure to discharge those duties was what Canada wanted.

The President of the Privy Council (Hon. Mr. Tupper) urged that the fact of England bringing forward the claim admitted its justness. If this was correct, what must the deliberate abandonment of the claim imply? He believed that the injuries inflicted on Canada were not calculated, and that the assaults on our manhood and honour which had been undergone, the submission to the permission by the United States of these aggressions day after day and year after year, without proper demands for reparation, could not be estimated in money; and further, that the disposal of the claim would render still greater the danger in the future. The claim being withdrawn, the people, desiring to punish England, would now know that their course was clear, and that all they had to do was to damage Canada and England would pay the bill.

They were told by the hon. gentleman that there would be no difficulty now, in that the United States had done their duty on a recent occasion. But they knew by the votes that this had cost one million dollars. He was not one of those who believed that this time anything was to be done by being mealy-mouthed. He believed we should best achieve our object by a little plain speaking, and in that view he agreed with the language urged by the Government with reference to the action of the Imperial Government in the matter; and because he agreed that a plain statement of the feeling of the people was best calculated to serve the interests of all parties, and he endorsed their action, and he therefore moved in amendment to the amendment to leave out all words in the amendment after “thereof” and insert the following:

“This House concurs with the view expressed by the Canadian Government with reference to the subject of the Fenian raids in their minute of Council, dated 1st July, 1870, in the following words:—‘The Committee of the Privy Council feel it their duty to express very strongly to your Excellency for the information of Her Majesty’s Government that deep sense entertained by the people of the Dominion of all shades of party, that they have not received

from Her Majesty’s government that support and protection which, as loyal subjects of Her Majesty they have a right to claim’; their minute of Council dated 28th July, 1872, in the following words—‘The principal cause of difference between Canada and the United States has not been removed by the Treaty, but remains a subject for anxiety;’ and in the following words—‘The fact that this Fenian organization is still in full vigour, and there seems no reason to hope that the United States Government will perform its duty to a friendly neighbour any better in the future than in the past, leads them to entertain a just apprehension that the outstanding subject of difference with the United States is one of all others which is of special importance to the Dominion’; and in the following words:—‘The failure of the High Commissioners to deal with it has been one cause of the prevailing dissatisfaction with the Treaty of Washington.’ (*Loud cheers from opposition benches.*)

**Hon. Sir JOHN A. MACDONALD** said he was not one of those who set up the doctrine that we had not a right to disapprove of the action of the mother country towards us. He claimed as a Canadian statesman, and as a Canadian, the right to criticise the conduct of the Imperial Government towards us; to commend where it met approbation, and to object to it if he found it objectionable. The question now was not whether there were no occasions when it was not open to us to condemn or to disapprove of the conduct of the Government, but whether this was an occasion when we ought to do so. While he said that he was quite ready to express disapprobation of the conduct of the Imperial Government, it scarcely rested in the mouths of hon. gentlemen opposite to do so.

The House would remember the howl that was raised by those gentlemen against his hon. friend beside him (Hon. Mr. Howe) when he said that he did not approve the conduct of Her Majesty’s Government; how he was held up to public scorn as being a disloyal man; how the member for Lambton (Hon. Mr. Mackenzie) spoke of him as a Canadian minister using such language; and yet we now heard him (Hon. Mr. Mackenzie), going as far as his hon. friend, and still further, and joining with the hon. member for Lennox (Mr. Cartwright) in this censure of Her Majesty’s Government.

These gentlemen could be loyal when they thought it would suit the coming elections, and they could be disloyal in expression when it answered their purpose. He made no charge against their personal loyalty; but they should be judged by the society they kept, and if men be found advocating annexation, or that Canada and England should be two and not one, these men would be found ranking with the supporters of the hon. gentleman.

Every man disloyal at heart fell into the ranks of the hon. gentlemen opposite. (*Cheers*) and the reason was that they knew that those gentlemen would play with the subject of loyalty or disloyalty as they thought would best serve party purposes. He must say that, although his hon. friend from Sherbrooke (Hon. Sir A.T. Galt) in his remarks did but little to support the member for Lennox (Mr. Cartwright), yet he was surprised at the course he took in saying that he supported the first resolution.



What did this resolution say? That “this House regrets to learn that Her Majesty’s advisers have seen fit to assume the responsibility of withdrawing the claims of Canada against the United States for compensation on account of the Fenian raids.”

His hon. friend had stated that he would vote for that resolution, and that he regretted that these claims were withdrawn; yet last session he had stated that, under arrangements between the two Governments, these claims would not be presented at all, and now he censures Her Majesty’s Government for not doing what he said they could not do.

He (Hon. Sir John A. Macdonald) had stated the other day that the miscarriage of the pressure of the claims of Canada on the part of Her Majesty’s Government commenced at an early stage; it commenced in the framing of the correspondence which led to the formation of the Commission. There was no doubt of this, and, although Sir Edward Thornton stated to the Commission that he meant that correspondence to cover the Fenian claims, yet objection was taken by the United States Commissioners; and when the American Commissioners announced that they had come to that conclusion, and when they declined to take the responsibility of receiving it as a new claim, the only course open to the British Commissioners was to report the fact to the Imperial Government, and they had to concur in the view, otherwise England would have been obliged to say, “Because you refuse to enter upon the discussion of those claims we will break off all negotiations; we decline to settle the Alabama claims and we will allow the unhappy state of affairs to continue between the two parties.”

Did the hon. gentleman mean to say that he would desire that consequence to follow? Did any one mean to say that it was not a great gain to Canada to have the Alabama claims settled? We knew perfectly well that the Fenian claims would not be pressed as a vital question as a matter of war; but that the Alabama claims could be so pressed. If any hon. member said that because the United States refused to pay the claims, England should have broken off the negotiations, he must say that that man must be utterly regardless of the interests of Canada.

If such a course had been taken the two nations would have stood in a state of positive hostility, which state would have been changed into war whenever England happened to be engaged in troubles elsewhere. What would become of Canada in case of such a war?

He did not doubt that England would be successful, and Canada as a portion of the Empire would share in the glory; but what would be the cost to Canada? Our fair fields would be made fields of blood, and our country would be ravaged, and all because at our request, and at our instance, England had refused to settle all the great causes of hostility with the United States on the ground that they would not entertain the Fenian claims. The proposition was so monstrous that he could not help but

feel that it was made in a spirit of faction, and from a desire to raise the question for party purposes. (*Cheers.*)

There was no sincerity in the motion of the hon. member for Lennox (Mr. Cartwright), and there was less in the amendment proposed by the member for Durham West (Hon. Mr. Blake). The hon. gentleman was welcome to quote the language of the Government, and he (Hon. Sir John A. Macdonald) was glad that he had taken the course of recording it in the Journals, because it would be seen that the Government of Canada had fought the battle of their people. (*Cheers.*) They had not hesitated for any fear of being attacked for disloyalty, and his hon. friend (Hon. Mr. Howe) was attacked for his strong language. They had not hesitated to say that they thought the United States had not exercised due diligence in reference to these claims, and England had not pressed with sufficient force our right to redress. They were proud of the course they had taken in making these communications to Her Majesty’s Government.

What did they say in answer? “We admit the extent of our wrongs; we admit that your country has been invaded, and your volunteers slain; we desire that you should get full redress, and we appealed to the American Government for such redress.” But when this was refused the question remained—“Shall we insist upon that redress for you, and leave the relations between England and the United States so that at any time you may be attacked? When that choice came we preferred to withdraw that claim and take the responsibility of doing so. For the sake of settling all the others, for the sake of freeing you and your country from the possibility of invasion, great as has been the wrong to you, great as is our regret at being obliged to withdraw those claims, yet we thought it better for your interests to do so.”

Her Majesty’s Government assumed all the responsibility, and at the first suggestion on our part, came forward and made the only reparation she could by becoming surety for millions, putting into the pockets of our people hundreds of thousands of dollars.

He (Hon. Sir John A. Macdonald) would say that it was the height of faction to raise this question, and it was only such folly as might be looked for from a political party fighting the battle of political despair. (*Cheers.*) He never saw a more desperate condition. They felt their position slipping away from them. Buoyed up by a temporary prosperity, by a little success in the elections, in consequence of the Premier of the day being sick in bed, and getting a majority of two in consequence of the absence of one (*Cheers*), they thought they had possession of this House and the country; but, finding that they were mistaken, in despair they attempted to get up some of the old cries in which they traded, in order to reverse their forlorn position.

It was not like the forlorn hope of the soldier, which was so full of hope of success, but it was a forlorn hope without hope. They

May 6, 1872

had cried that the Government must be turned out, because Thomas Scott was murdered, and the murderer was at large. These cries and these appeals to the prejudices of the people were the stock in trade of the hon. gentlemen opposite. It was a small stock and a small retail business (*Cheers*) and it was something for them that the Insolvency Act was not yet repealed, and they had better take advantage of it while they could. (*Laughter and cheers.*)

He (Hon. Sir John A. Macdonald) then argued that if the resolutions of the member for Lennox (Mr. Cartwright) should be carried, if Canada said she did not want the guarantee, England would simply say that if we did not want it we should not have it, and the result would be, as we could not press the Fenian claim ourselves, we would be without the \$600,000 for twenty-eight years, and, would be compelled to put our dignity in our pockets. He denied that by the acceptance of these terms any stain was cast on the honour of Canada.

The Opposition took the ground that while they denied the capacity of the country to carry on the great works of improvement in which they were engaged, they refused the assistance which would enable us successfully to complete them; a position which no sensible man would think of occupying. That was the ground upon which they would go to the country, but the grounds upon which the Government would meet the people would be that, having pressed the claims with all the urgency in their power, they accepted the decision of England to withdraw them from before the Commission, upon the condition that this valuable aid would be given to us, and in so doing this they had a good bargain, for the country would secure the completion of these great works without any sacrifice, and he was satisfied they would meet the general approval of the people.

The claims had not, however, been finally withdrawn, for it remained for England, if she pleased, to press them at some future time in the same way as the United States had reserved the right of pressing the indirect claims on account of the Alabama. He concluded by saying that he had no doubt the House would vote down the amendment of the hon. member for Durham West with a smile, if not with a sneer, and also the resolution of the hon. member for Lennox, with extreme regret that a man of his position and intellect, who, he was sure, was anxiously desirous of continuing the connection between England and Canada, should have placed himself in such an equivocal position.

**Hon. Mr. MACKENZIE** replied severely criticising the Government for their desire to negative propositions which they themselves had written in despatches to the Imperial Government. He defended the Opposition against the attacks of the Minister of Justice (Hon. Sir John A. Macdonald), and retorted by reading a number of extracts from a speech of one of the colleagues of the hon. gentleman, in which the Minister of Justice and several other members of the Government were rather severely handled. He ridiculed the assumption of loyalty by hon. gentlemen opposite, when it served their purpose, and reminded the House that the annexation manifesto of 1849; the burning of the Parliament

Buildings; the insulting of the Governor General at Montreal, and the hoisting of rebellious flags at Brockville and Sandwich, were all acts of Tories from first to last. He could not understand, with this black record against the party opposite, how the hon. gentleman could have the face to charge gentlemen sitting on his side of the House with want of loyalty, professing loyalty only when it suited their purposes. However Ministers might triumph in this House, it would be found that when they went before the public, they would be held to a much stricter account, and there, at any rate, the country would give a better account of herself than she had done last year.

**Hon. Sir JOHN A. MACDONALD:** Yes; a much better account. (*Laughter.*)

The House then divided upon **Hon. Mr. BLAKE'S** amendment, which was lost on the following division: —Yeas, 57; Nays, 100.

(Division No. 1)

YEAS

Members

Anglin	Béchar
Blake	Bourassa
Bowell	Bowman
Brown	Cameron (Huron South)
Carmichael	Cartwright
Connell	Coupal
Delorme (Saint-Hyacinthe)	Dorion
Ferris	Fortier
Fournier	Galt
Godin	Holton
Hutchison	Joly
Jones (Halifax)	Kempt
Macdonald (Glengarry)	MacFarlane
Mackenzie	Magill
McConkey	McMonies
Metcalfe	Mills
Morrison (Victoria North)	Oliver
Piquet	Pearson
Pelletier	Power
Pozer	Redford
Ross (Prince Edward)	Ross (Wellington Centre)
Rymal	Scatcherd
Smith (Westmorland)	Snider
Sturton	Thompson (Haldimand)
Thompson (Ontario North)	Tremblay
Wells	White (Halton)
White (Hastings East)	Whitehead
Workman	Wright (York West)
Young -57	

NAYS

Members

Abbott	Archambault
Baker	Barthe
Beaty	Bellerose
Benoit	Bertrand
Blanchet	Bown
Brousseau	Cameron (Inverness)
Cameron (Peel)	Campbell
Carling	Caron
Carter	Cartier
Cayley	Chauveau
Cimon	Coffin
Colby	Costigan
Crawford (Brockville)	Crawford (Leeds South)
Cumberland	Currier
Daoust	De Cosmos



Delorme (Provencher)	Dobbie
Drew	Dugas
Fortin	Gaucher
Gaudet	Gendron
Gibbs	Grant
Gray	Grover
Harrison	Heath
Hincks	Holmes
Houghton	Howe
Hurdon	Jackson
Keeler	Lacerte
Langevin	Langlois
Lapum	Lawson
Le Vesconte	Little
Macdonald (Sir John A.)	McDonald (Lunenburg)
McDonald (Middlesex West)	Masson (Soulanges)
Masson (Terrebonne)	McCallum
McDougall (Lanark North)	McDougall (Trois-Rivières)
McKeagney	Merritt
Moffatt	Morris
Munro	Nathan
Nelson	Perry
Pinsonneault	Pope
Pouliot	Ray
Renaud	Robitaille
Ross (Champlain)	Ross (Dundas)
Ryan (Montreal West)	Savary
Shanly	Simard
Smith (Selkirk)	Stephenson
Street	Sylvain
Thompson (Cariboo)	Tilley
Tourangeau	Tupper
Wallace (Albert)	Wallace (Vancouver Island)
Walsh	Webb
Willson	Wright (Ottawa County)—1 00

**Hon. Mr. HOLTON** said that, after this emphatic condemnation of the Government, as disclosed in three state papers, it would only be fitting if, according to ordinary usages, the Government should ask for time to consider their course.

**Hon. Sir JOHN A. MACDONALD** said it was not usual for the Government to ask for time when they were supported by such a majority as was just now given. He could assure his hon. friend that the Government was perfectly resigned to its position. (*Cheers and Laughter.*)

Then the main Question, so amended, being put:

“That this House does not consider that the interests of the Dominion will be promoted, or the relations now happily existing between the Mother Country and Canada strengthened by an expression of opinion on the subject of the withdrawal of the Fenian Claims, by the Imperial Government from the consideration of the Joint High Commission”;

The House divided: And it was resolved in the affirmative.

The House then adjourned at eleven o'clock.

May 7, 1872

## HOUSE OF COMMONS

Tuesday, May 7, 1872

The **SPEAKER** took the chair at 3.20 p.m.

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*Prayers*

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## ROUTINE BUSINESS

A number of petitions were presented, among them one by **Hon. Mr. CARLING**, from Hon. Wm. McMaster and others, praying for an Act authorizing them to build a bridge for railway purposes across the Niagara River at a point between Fort Erie and Chippawa, and also to construct a tunnel under the said river.

The following Bills were introduced and read a first time:

**Mr. BLANCHET:** To incorporate the Chamber of Commerce of Lévis.

**Hon. Mr. TILLEY:** To incorporate the Bank of St. John.

**Hon. Mr. TILLEY:** To incorporate the Maritime Bank of the Dominion of Canada.

**Hon. Mr. GRAY:** To do justice to the stockholders of the St. John and Holton Railway.

**Mr. MACDONALD (Glengarry):** To incorporate the Coteau and Province Line Railway and Bridge Company.

**Mr. GIBBS:** To incorporate the Missionary Society of the Wesleyan Methodist Church of Canada.

**Mr. GIBBS:** To incorporate the Anchor Marine Insurance Company.

\* \* \*

## RETURNS

**Hon. Mr. TILLEY** laid on the table a Return relating to seizures at Island Pond, and also a Return of seizures of goods belonging to A. Hamel, Jr., of the firm of Hamel Frères of Quebec.

**Hon. Sir JOHN A. MACDONALD** laid on the table a Return respecting the refusal of Judge Bossé to reside at Montmagny; also a Return to Address for correspondence between the Government and the Postmaster at Halifax respecting the abstraction of money letters from that office.

\* \* \*

## TARIFF CHANGES

**Hon. Sir FRANCIS HINCKS** said he was about to give notice of a resolution upon a subject of great importance to the country, and he trusted the House would hear with indulgence the few remarks he felt it necessary to make in giving the notice. It was now about a week since he had had the honor of making his financial statement, in the course of which he had intimated, it would be remembered, that under certain circumstances, it would be absolutely necessary for the Government to propose a readjustment of the tariff—that changes would be imperative in case certain measures then pending before the Congress of the United States passed into law.

He believed it was only about forty-eight hours after the delivery of his speech that a telegram had been received announcing that the Bill to repeal the duties on tea and coffee had been passed by Congress; but it was not till last night that the Government had received authentic information that the President of the United States had actually signed the Bill, so that beyond a doubt these duties would be repealed on and after the 1st of July next. Now, persons engaged in the trade in the United States had been very seriously embarrassed for three or four months because of the uncertainty about the continuance of these duties; and if he could judge by the questions which had been put to him within the past few days great interest was excited in Canada as to the effect this repeal would have if we continued to impose duties on those articles.

In order to remove any apprehension therefore on this score the Government had resolved that on the 1st of July next the duties on tea and coffee shall be repealed (*Cheers and sensation*). He thought it was evidence of the superiority of our institutions over those of the United States that, while there had been protracted uncertainty in regard to the duties in the neighboring country, there would be no serious delay in ascertaining the intention of the Legislature of Canada (*Hear, hear*). He had the honour to give notice that on Tuesday he would move that this House resolve itself into a Committee of the Whole to consider a resolution 'that the duties on tea and coffee shall be repealed, after the 1<sup>st</sup> of July next (*Cheers*).



## TRADES' UNIONS

**Hon. Sir JOHN A. MACDONALD** moved for leave to introduce a bill respecting Trades' Unions. He explained that the measure, or rather measures, for there were two of them, which he would ask leave to introduce, although he had given notice only of one, was based upon the Imperial Statute upon the same subject. His attention, and the attention of everyone interested in the prosperity of Canada, had been called lately to the fact, that the law relating to Trades' Unions, with the civil and the criminal side, was not the same as in England, and that the English mechanic who came to this country, as well as the Canadian mechanic, was subject to penalties imposed by statutes that had been repealed in England, as opposed to the spirit of the liberty of the individual.

He proposed a law, the same in principle as the law of England, so that operatives from the Mother Country would have the same freedom of action, and the same right to combine for the accomplishment of lawful objects, as they had in England. (*Hear, hear.*) The subject was too important to be taken *ab initio* without great care and study, and it was only since the opening of Parliament that his attention had been called to it. He had not thought it well to embrace in the bill all the points which were involved in the battle that was going on between labour and capital. The subject of the relations between these two was engaging the attention of able minds in England, whose deliberations, he had no doubt, would eventuate in the introduction of a comprehensive system, possibly with the sanction and authority of Her Majesty's Government, in the next Session of the Imperial Parliament.

In the meanwhile he proposed to proceed with these measures, one of which was the complement of the other, because it affected the civil branch of the law relating to Trades' Unions while the other affected the criminal branch. He moved for leave to bring in the bills.

**Hon. Mr. MACKENZIE** asked if he understood the hon. gentleman to say that he did not purpose to proceed with these measures during this session.

**Hon. Sir JOHN A. MACDONALD** said his intention was to proceed. The subject was under discussion in England, and the result would probably be a still further improvement in the law there. If such proved to be the case the Parliament of Canada would have an opportunity of profiting by that legislation; but in the meantime these measures would be proposed for the consideration of the House.

The bills were then severally read a first time.

\* \* \*

## THE REPRESENTATION BILL

**Hon. Mr. MACKENZIE** desired to ask a question respecting the Representation Bill which ought to have been introduced before

now. Perhaps the hon. gentleman could explain the reason for this delay, and state that the bill would be down this week.

**Hon. Sir JOHN A. MACDONALD** said he certainly could not promise it this week. As his hon. friend could well understand a number of suggestions from all parts of the country—(*Hear*)—and affecting every constituency from Lambton downwards, had to be considered before the Government proposed a plan of readjustment. This was an almost endless task, but he thought he had got nearly through it, and that he would be able shortly to bring down the bill, although he could not name a day this week.

**Hon. Mr. MACKENZIE** hoped the hon. gentleman would not trouble himself about Lambton, for he (*Hon. Mr. Mackenzie*) would take the most difficult part upon himself, so far as that constituency was concerned. (*Hear, hear.*)

**Hon. Sir JOHN A. MACDONALD** said he knew his hon. friend had enough difficulties there, and therefore he had taken some of them on himself. (*Laughter.*)

## SATURDAY SESSION

In reply to Mr. Masson (*Soulanges*).

**Hon. Sir GEORGE-É. CARTIER** said the Government would announce to-morrow whether they would ask the House to sit on Saturday.

\* \* \*

## GOVERNMENT DAYS

**Hon. Sir JOHN A. MACDONALD** said the Government would like to get a third day in the week for their business, and if the House had no objection they would take Wednesdays, commencing to-morrow week.

**Hon. Mr. MACKENZIE** said it appeared to him there was an overwhelming amount of private business, some of which might well have been left to the Local legislatures to deal with. This would make it difficult for the house to give the Government another day, but it might be managed so that what time was left on private days after measures in the hands of private members were disposed of might be given to the Government, provided the Government gave the residue of time on their days if they had no business to proceed with. He thought an arrangement of that kind would greatly facilitate the work of the House. The subject then dropped.

\* \* \*

## PATENTS OF INVENTION

**Hon. Mr. POPE** moved the House into Committee to consider the following resolution:—

May 7, 1872

That it is expedient to amend and consolidate the law relating to patents of invention.

He explained that the object of the Government was to re-enact the old patent law with certain amendments to make it consonant with changes that had been made in England, the United States and elsewhere. It was in fact an assimilation of the patent laws of this country to those of the United States, Great Britain and other countries where there was legislation on the subject. One change he would propose to do away with, the necessity of one years' residence before the patents were issued (*Hear, hear*). That was the only important alteration in the law, with the exception of another clause which would require the manufacture of patented articles to be carried on in the country. The motion was carried and the House went into Committee—**Hon. Mr. GRAY** in the chair.

The resolution was then adopted without discussion, and the Committee reported.

**Hon. Mr. POPE** introduced a Bill founded upon the resolution entitled, an Act respecting Patents of Invention. The Bill was read a first time.

\* \* \*

### ISSUE OF DOMINION NOTES

**Hon. Sir FRANCIS HINCKS** moved third reading of the Act to amend the Act respecting the issue of Dominion notes.

**Hon. Mr. HOLTON** said he did not propose to detain the House by repeating observations that had been made at previous stages of this measure, but he desired to place on the Journals of the house a motion containing a protest against what he conceived to be the unsound principles underlying this bill of his hon. friend.

He moved, in amendment, seconded by the **Hon. Mr. MACKENZIE**, that the Bill be not now read a third time and that all the words after "That" to the end of the Question, be left out, and the words "in the opinion of this House, it is inexpedient to authorize an unlimited issue of Dominion Notes on the basis of so insufficient a specie reserve as twenty per cent.; and that to empower the Minister of the day to advance Dominion Notes to the Chartered Banks to an unlimited amount on the security of their own certificates of deposit, might lead to disastrous consequences", inserted instead thereof.

**Hon. Sir FRANCIS HINCKS** said he would follow his hon. friend in not occupying the time of the House after the lengthened discussion that had taken place on this bill. He must say, however, that more unfounded objections he had never

heard raised against any measure than had been raised against this. It had been asserted by newspapers throughout the country, organs of the hon. gentleman opposite, that the Government contemplated an issue of unredeemable paper currency, and that he (**Hon. Sir Francis Hincks**) was really anxious that such an issue should be authorized. Now, there was nothing in the whole course of his public life to justify the statement that he was favourable to any issue of the incontrovertible paper money.

**Hon. Mr. HOLTON:** I admit that. (*Hear, hear.*)

**Hon. Sir FRANCIS HINCKS:** The fact was that this measure was caused by the great inconvenience which was found in the working of the present system. There was great practical inconvenience in the requirement that the Government should, for all notes beyond nine millions, hold dollar for dollar in gold; the consequence being that they were constantly obliged to violate the law, because it was impossible to ascertain the exact amount of circulation weekly at any time. It was to be observed that this bill did not give the Government any power to extend the circulation. The Government, in fact, would not issue a single note beyond the requirement of the banks, and it might be safely assumed that the banks would not put into circulation more than they could possibly avoid. They themselves were issuers of notes, and it was no object to them to extend the circulation of Government notes, except that, as a matter of convenience, they would issue small notes which they had not power to do on their own account.

There was really no risk or danger whatever in passing the bill; and, as long as he retained office as Finance Minister—which might not perhaps be long—he would take care that there was no undue expansion of the currency. Every information would be given to the public. Returns would be issued weekly, and, if anything went wrong, and if there was any inflation, the public and the House would be able to see it at once. He must say that the alarm which was attempted to be created throughout the country in regard to this bill was entirely without foundation. (*Hear, hear.*)

The House then divided on the amendment, which was rejected on the following division: —For the amendment, 54; against 107; majority for the Government, 53.

(*Division No. 2*)

### YEAS

#### Members

Anglin  
Blake  
Bolton  
Bowman  
Cartwright  
Chipman  
Cornell

Béchar  
Bodwell  
Bourassa  
Carmichael  
Cheval  
Colby  
Coupal



Delorme (Saint-Hyacinthe)  
Fortier  
Galt  
Godin  
Holton  
Joly  
Kemp  
Macdonald (Glengarry)  
Mackenzie  
McDougall (Renfrew South)  
Merritt  
Morrison (Victoria North)  
Pâquet  
Pozer  
Ross (Prince Edward)  
Rymal  
Snider  
Thompson (Haldimand)  
Wells  
Workman

Dorion  
Fournier  
Gibbs  
Hagar  
Hutchison  
Jones (Halifax)  
Lapum  
MacFarlane  
Magill  
McMonies  
Mills  
Oliver  
Pelletier  
Redford  
Ross (Wellington Centre)  
Scatcherd  
Stirton  
Thompson (Ontario North)  
Whitehead  
Young-54

## NAYS

## Members

Abbott  
Barthe  
Bellerose  
Bertrand  
Bowell  
Brousseau  
Burpee  
Cameron (Inverness)  
Campbell  
Caron  
Cartier (Sir George-É.)  
Chauveau  
Coffin  
Crawford (Brockville)  
Cumberland  
De Cosmos  
Dobbie  
Dugas  
Ferris  
Gaucher  
Gendron  
Grover  
Hincks (Sir Francis)  
Howe  
Jackson  
Keeler  
Lacerte  
Langlois  
Le Vesconte  
Macdonald (Sir John A.)  
McDonald (Middlesex West)  
Masson (Terrebonne)  
McConkey  
McKeagney  
Metcalf  
Morris  
Munro  
Nelson  
Pinsonneault  
Pouliot  
Robitaille  
Ross (Dundas)  
Ryan (King's, N. B.)  
Savary  
Shanly  
Smith (Westmorland)  
Street  
Thompson (Cariboo)  
Tourangeau  
Tupper  
Wallace (Vancouver Island)  
Webb  
White (Hastings East)  
Wright (Ottawa County)—107

Archambault  
Beaty  
Benoit  
Blanchet  
Bown  
Brown  
Cameron (Huron South)  
Cameron (Peel)  
Carling  
Carter  
Cayley  
Cimon  
Costigan  
Crawford (Leeds South)  
Daoust  
Delorme (Provencher)  
Drew  
Ferguson  
Fortin  
Gaudet  
Gray  
Harrison  
Houghton  
Hurdon  
Jones (Leeds North and Grenville North)  
Kirkpatrick  
Langevin  
Lawson  
Little  
McDonald (Lunenburg)  
Masson (Soulanges)  
McCallum  
McDougall (Trois Rivières)  
McMillan  
Moffat  
Morrison (Niagara)  
Nathan  
Perry  
Pope  
Renaud  
Ross (Champlain)  
Ross (Victoria)  
Ryan (Montreal West)  
Scriven  
Simard  
Stephenson  
Sylvain  
Tilley  
Tremblay  
Wallace (Albert)  
Walsh  
White (Halton)  
Willson

**Mr. YOUNG** saw it was evident that the Finance Minister desired to remove the wholesome check in the present law which required a reserve of dollar for dollar in gold for all notes beyond nine million. This measure practically gave the Government power to issue Dominion notes to almost any extent, and to remove all checks upon an expansion of the currency. He believed that there was now in the country an inflation to a small extent and this would be greatly increased if this became law. Besides, one of the effects of it would be to place the banks of the country under the immediate control of the Finance Minister. That hon. gentleman might exercise the power wisely or unwisely, but it was not such a power as should be placed in the hands of any Minister.

He would move an amendment that the bill be referred back to Committee of the Whole, with instructions to provide that for any excess of Dominion notes issued over twelve millions the Government shall hold dollar for dollar in gold, as provided in the original Act.

**Mr. WORKMAN** said that the only objectionable feature he saw in the Bill was that it would enable the Government to put money into the hands of pet banks and otherwise to favour certain banking institutions. (*Hear, hear.*) He had thought the matter over very carefully, and he had come to the conclusion that he must vote for the amendment; not because he was opposed to an increase of circulation—for the business of the country required an increase—but he felt there should be some limit to the issuing powers of the Government. The amendment proposed a limit of twelve millions, and he thought the House would be safe in granting that.

**Hon. Sir FRANCIS HINCKS** wished to say distinctly and positively that the Government, in the issue of Dominion notes, had never made any distinction between the banks. They had treated them all alike, and had placed them on exactly the same footing. The hon. gentleman had used the words “pet banks,” referring he supposed to the Bank of Montreal, but that bank was the only one which had never received a dollar of Dominion notes. It was true the Government kept an account there, but as it had issued no bills itself, it had actually paid to the Government dollar for dollar for every note it had received.

**Mr. WORKMAN** disclaimed any intention of reflecting upon the Bank of Montreal, for nothing was further from his intention. If he were quite certain that the present Finance Minister would always have control of the finances of the country he would be quite confident as to the future; but the time might, indeed, must come, when that hon. gentleman would have to give place to another, in whom he (Mr. Workman) might not have the same confidence. This bill, however, once passed would be passed for all time, and the power it conferred would be given to the hon. gentleman's successor as well as to himself. If it were proposed to give effect to the Act only while the hon. gentleman remained in office he would have no objection to voting for it. (*Cheers and laughter.*)

May 7, 1872

**Mr. GIBBS** said, that when the bill of two years ago had passed, he felt then that it would be necessary to introduce a measure of this kind; but he had no idea that a proposition would be made to reduce the gold reserve to twenty per cent. He thought it was a wise restriction on the part of the Legislature to require dollar for dollar in gold beyond the nine millions, and to remove that restriction, as was now proposed, was only in accordance with what had been foreshadowed in 1866, when the Government notes were first authorized.

He had every confidence in the present Finance Minister that he would in all fairness, candour, and integrity carry out the objects of this bill, but, unfortunately, in the course of nature he must be replaced by some other person who would not be so competent to fill the position, and in whom such general confidence would not be reposed. He trusted that the evil forebodings that had been indulged in with regard to the measure would not be realized, but the cry of "wolf, wolf" would never come true; but he believed that there was great danger unless some wise precaution was taken by the house to prevent expansion under the Acts of 1866 and 1869. He was willing to reduce the reserve to fifty per cent for notes issued beyond nine millions. He thought this was preferable to the amendment of the hon. member for Waterloo South (Mr. Young), and that it was the lowest limit to which the House could go with safety. He relieved the Finance Minister from any imputation of unfairness in dealing with the Banks, believing it was due to him in candour to say that he had placed them all on perfectly the same footing.

**Hon. Sir GEORGE-É. CARTIER** suggested that the Minister of Finance should be allowed to try the experiment, and then if the fears expressed were realized, the measure might be amended.

**Hon. Mr. HOWE** said that, as every one had such confidence in the Minister of Finance, he would suggest that his life should be made an Isolated Risk and insured for the good of the country. But suppose that any financial embarrassment should arise, was not the country able to meet her liabilities? He did not believe there was any danger in the measure. While the country had been prosperous, and Providence had given good crops, abundant fisheries, and an active population, the Minister of Finance had removed out of the way of the industry of the country every restraint, and restriction, and difficulty that had interfered, and every measure which he had put his hand to had been successful.

**Hon. Mr. MACKENZIE:** Not the national Policy.

**Mr. STREET** was glad to hear the high compliments paid to the Minister of Finance (Hon. Sir Francis Hincks), in which he entirely concurred; and he believed that, so long as the hon. gentleman retained his position, he would administer the financial affairs of the country in the same satisfactory way as heretofore. He could not, however see the advantage of insuring the life of the Minister of Finance, for insurance would scarcely prevent death, and he was sure the country would join him in the sentiment that they would

much rather retain the visible services of the hon. gentleman than derive any benefit from his death.

He did not feel the same apprehension with regard to the effect of the measure as was expressed by many hon. gentlemen. He did not think the power asked would be the means of bringing about any financial embarrassment. It was well known that the country was suffering from the want of small notes, and the wisdom and judgment of the Finance Minister, recognizing the want, led him to devise a remedy, and he now asked Parliament to pass a measure which would obviate the evil immediately. He was met with the cry that the Government would have too much power and that financial embarrassment would follow. He could not agree with such a cry. If any check was necessary beyond the judgment of the Finance Minister, it was to be found in the fact that the banks would not circulate the hon. gentleman's small notes to a greater extent than would be absolutely necessary, for they would not make the same money out of Government notes that they could out of their own. When the issue of small notes had been first taken out of their hands what a terrible cry the banks had raised; but they were not satisfied and willing to work under the Banking Law and the only difficulty now was that a larger issue of small notes was necessary and now that the Finance Minister proposed to meet the want, where was the difficulty?

He was the last man to desire a complete paper currency, but he did not think the measure warranted the apprehensions and doubts raised. The house met every year, and would be always able to rectify any difficulty that might arise during recess.

**Mr. KIRKPATRICK** thought the Minister of Finance would act in accordance with the general wishes of the country and for its best interests, as well as in accordance with the wishes of the bankers and commercial men of the country, if he accepted the amendment of the member for Waterloo South (Mr. Young), and he should vote for the amendment. He had not voted for the amendment of the member for Châteauguay (Hon. Mr. Holton), because he thought it struck at the root of the principle of Dominion notes, which had been affirmed by the house before he became a member and which had been generally approved by the country. That principle he believed to be this, that the profit to be derived from the circulation of the Dominion notes was a legitimate source of revenue. But the bill now introduced went a long way to make the issue an irredeemable currency, which certainly ought to be provided against.

He had every confidence in the Minister of Finance, but the House must legislate for the country, and impose proper restrictions on any Finance Minister or Government. Why was any limit inserted in the first measure, if it was not necessary; and if it was necessary, why should it be changed now? The bill must be read in connection with the bill allowing the Government to make loans to the banks. If the two bills passed the Finance Minister would be able to issue an unlimited amount of paper money. The redeeming point in the original measure was that it fixed a limit, and he hoped



the government would accept the amendment and so retain a limit. He believed the removal of a limit would be very objectionable to the people at large.

**Hon. Mr. HOLTON** had listened with mingled pleasure and surprise to the very extravagant praise addressed to the Minister of Finance by the member for Welland (Mr. Street). He was no longer a young man, and, like the Minister of Militia, he had a conveniently and sometimes an inconveniently retentive memory. He remembered that, in early days, when the member for Welland bore so gallant a part in parliamentary matters, and was very far from evincing any degree of confidence in the Minister of Finance. He (Hon. Mr. Holton) however, had been in those days an admirer and supporter of the Minister of Finance, and he was glad to find that the maturer views of the member for Welland confirmed his (Hon. Mr. Holton's) more impulsive opinions.

**Mr. CARTWRIGHT:** But you have changed.

**Hon. Mr. HOLTON:** On the contrary, he still had confidence in the ability of his hon. friend (*Cheers*), but that confidence was diminished greatly by the confidence expressed by the member for Welland, because he considered that gentleman one of the most revolutionary and dangerous politicians in matters of finance (*Laughter*) and his confidence in the Minister of Finance sensibly diminished when he saw him in company with the member for Welland.

Suppose that a banking institution should fall into difficulty and danger, and should approach the Minister of Finance of the day, representing that he had it in his power to save the shareholders from ruin, and preventing that commercial *dérangement* which would otherwise ensue, would not that Finance Minister be placed in great danger? He would not assume that the discretion placed in the hands of the Finance Minister would be abused; but no Legislature ought to be invited to enact measures, the consequences of which would depend on the judgment and discretion and good faith of the Ministry of the day.

**Hon. Mr. ANGLIN** was also astonished at the language of the member for Welland (Mr. Street). He had stated that the Minister of Finance only asked for power to issue small notes. That was not the case. The Minister of Finance, in introducing the measure, urged upon the House that there was a great want of small notes throughout the country, which would be remedied; but the bill was not confined to small notes, but covered notes of all denominations. A bank would be enabled to obtain \$100,000 in notes by depositing with the Government \$200,000 in gold, and their own deposit receipt, not bearing interest, for the balance. If they issued their own notes they had to hold a certain sum in gold and specie, so that, really, it would be better for them to issue Government notes than their own. Again, in issuing their own notes they had to be very careful, so that in case of a sudden demand, they would be able to provide for their redemption. But there was no such responsibility connected with Dominion notes, and this again would be an inducement to issue Government notes.

When the bill was first introduced he thought it fraught with danger to the best interests of the country, and subsequent consideration only convinced him that his first impressions were correct. If the only object of the Minister of Finance was to meet the requirements of the country, why did he not propose a limit to the circulation? He should feel it his duty to vote for the amendment, though he wished the figure had been somewhat higher. He did not oppose the measure because he lacked confidence in the honesty and sound judgment of the Minister of Finance, but because he conceived it his duty, as a member of the Legislature, to provide a sound and wise protection.

A vote was then taken on the amendment of the member for Waterloo South (**Mr. YOUNG**), resulting as follows:—Yeas, 64; Nays, 95.

(Division No. 3)

## YEAS

### Members

Anglin	Béchar
Blake	Bodwell
Bolton	Brousseau
Bowman	Burpee
Cameron (Huron South)	Carmichael
Cartwright	Cheval
Chipman	Connell
Coupal	Delorme (Saint-Hyacinthe)
Dorion	Ferris
Fortier	Fournier
Gibbs	Godin
Grant	Hagar
Holton	Hutchison
Joly	Jones (Halifax)
Kemp	Kirkpatrick
Lapum	Macdonald (Glengarry)
MacFarlane	Mackenzie
Magill	McConkey
McDougall (Renfrew South)	McMonies
Merritt	Mills
Morrison (Victoria North)	Oliver
Pâquet	Pelletier
Pickard	Power
Pozer	Bedford
Ross (Dundas)	Ross (Prince Edward)
Ross (Victoria)	Ross (Wellington)
Rymal	Scatcherd
Smith (Westmorland)	Snider
Stirton	Thompson (Haldimand)
Thompson (Ontario North)	Tremblay
Wells	White (Halton)
Workman	Young-64

## NAYS

### Members

Abbott	Archambault
Ault	Barthe
Beaty	Belleroze
Benoit	Bertrand
Blanchet	Bodwell
Brousseau	Brown
Cameron (Inverness)	Cameron (Peel)
Campbell	Carling
Caron	Cartier (Sir George-É.)
Cayley	Chauveau
Cimon	Coffin
Costigan	Crawford (Brockville)
Crawford (Leeds South)	Cumberland
Daoust	De Cosmos

May 7, 1872

Delorme (Provencher)	Dobbie
Drew	Dugas
Ferguson	Fortin
Gaucher	Gaudet
Gendron	Gray
Grover	Harrison
Hincks (Sir Francis)	Houghton
Howe	Jackson
Jones (Leeds North and Grenville North)	Keeler
Lacerte	Langevin
Langlois	Lawson
LeVesconte	Little
Macdonald (Sir John A.)	McDonald (Antigonish)
McDonald (Lunenburg)	McDonald (Middlesex West)
Masson (Soulanges)	Masson (Terrebonne)
McCallum	McDougall (Lanark North)
McDougall (Trois-Rivières)	McKeagney
McMillan	Moffatt
Morris	Morrison (Niagara)
Munroe	Nathan
Nelson	Pearson
Perry	Pinsonneault
Pope	Pouliot
Renaud	Robitaille
Ross (Champlain)	Ryan (King's, N.-B.)
Ryan (Montreal West)	Savary
Scriver	Shanly
Simard	Stephenson
Street	Sylvain
Thompson (Cariboo)	Tilley
Tourangeau	Tupper
Wallace (Vancouver Island)	Walsh
White (Hastings East)	Willson
Wright (Ottawa County)—95	

Mr. GIBBS moved in amendment that the word “Twenty” be struck out of the sixteenth line of the bill and the word “Fifty” substituted. The effect of this would be that the Finance Minister would be obliged to hold fifty per cent of the excess above nine millions in gold instead of twenty per cent.

Hon. Sir FRANCIS HINCKS explained that, although the Government had fixed the minimum at twenty per cent, they could increase the amount if it should prove to be necessary: but he did not think that the cast iron rule proposed by the hon. gentleman that fifty per cent should be held in specie was advisable.

The amendment was defeated: —Yeas, 69; Nays 89.

(Division No. 4)

YEAS

Members

Anglin	Béchar
Blake	Bodwell
Bolton	Bourassa
Bowman	Burpee
Cameron (Huron South)	Cameron (Peel)
Carmichael	Cartwright
Cheval	Connell
Coupal	Delorme (Saint-Hyacinthe)
Dorion	Ferris
Fortier	Fournier
Gibbs	Godin
Grant	Hagar
Holton	Hutchison
Joly	Jones (Halifax)
Jones (Leeds North and Grenville North)	Kempt
Kirkpatrick	Lapum
Macdonald (Glengarry)	MacFarlane
Mackenzie	Magill
McConkey	McDougall (Lanark North)
McDougall (Renfrew South)	McMonies

Merritt	Metcalfe
Mills	Morison
Munroe	Oliver
Pâquet	Pelletier
Pickard	Power
Pozer	Redford
Ross (Dundas)	Ross (Prince Edward)
Ross (Victoria)	Ross (Wellington Centre)
Rymal	Scatcherd
Snider	Stirton
Thompson (Haldimand)	Thompson (Ontario North)
Tremblay	Wallace (Albert)
Wells	White
Whitehead	Workman
Young—69	

NAYS

Members

Archambault	Ault
Barthe	Beaty
Bellerose	Benoit
Bertrand	Blanchet
Bowell	Brousseau
Bown	Cameron (Inverness)
Campbell	Carling
Caron	Cartier (Sir George-É.)
Cayley	Chauveau
Coffin	Costigan
Crawford (Brockville)	Crawford (Leeds South)
Cumberland	Daoust
De Cosmos	Delorme (Provencher)
Dobbie	Drew
Dugas	Ferguson
Fortin	Gaucher
Gaudet	Gendron
Gray	Grover
Harrison	Hincks (Sir Francis)
Houghton	Howe
Hurdon	Jackson
Keeler	Lacerte
Langevin	Langlois
Lawson	Le Vesconte
Little	Macdonald (Sir John A.)
McDonald (Lunenburg)	McDonald (Middlesex West)
Masson (Soulanges)	Masson (Terrebonne)
McCallum	McDougall (Trois-Rivières)
McMillan	Moffatt
Morris	Morrison (Niagara)
Nathan	Nelson
Pearson	Perry
Pinsonneault	Pope
Pouliot	Renaud
Robitaille	Ross (Champlain)
Ryan (King's, N. B.)	Ryan (Montreal West)
Savary	Scriver
Shanly	Simard
Smith (Westmorland)	Stephenson
Street	Sylvain
Thompson (Cariboo)	Tilley
Tourangeau	Tupper
Wallace (Vancouver Island)	Walsh
White (Hastings East)	Willson
Wright (Ottawa County)—89	

The original motion was then carried on a division and the bill read a third time and passed.

\* \* \*

MANITOBA EXPEDITION

A resolution declaring it expedient to indemnify members of the Privy Council, the Auditor-General and all other persons concerned in the issue of a special warrant for \$100,000 to meet the



expenditure on account of the expeditionary force sent to Manitoba was adopted and a bill introduced founded on that resolution.

\* \* \*

### INSPECTION

On the resolution declaring it expedient to amend and consolidate, and to extend to the whole Dominion of Canada, the law respecting the inspection of certain staple articles of Canadian produce, questions were asked by the hon. members for Halifax and Châteauguay (Hon. Mr. Holton) as to whether it was intended to make the inspection of all the leading articles of produce compulsory.

**Hon. Sir FRANCIS HINCKS** replied that the Government intended to refer the bill proposed to be introduced to the Committee on Banking and Commerce, for the purpose of ascertaining what articles should be obligatory, and he thought the matter should be allowed to stand over until the report of the committee was received.

The resolution was then adopted and a bill introduced.

\* \* \*

### THE TREATY BILL

In answer to the member for Peel (Hon. Mr. Cameron),

**Hon. Sir JOHN A. MACDONALD** stated that it was the intention of Government to go on with the bill respecting the Treaty of Washington tomorrow (Wednesday).

It being six o'clock the House rose.

## AFTER RECESS

### PACIFIC RAILWAY

**Hon. Sir GEORGE-É. CARTIER** in moving the House into committee on certain resolutions respecting the Pacific Railway, said that he thought he had sufficiently explained the purport of the measure, when he introduced the bill the other day. There were several of the resolutions which ought not to be taken into consideration in committee of the whole House: but in order that the scheme should be better understood, it had been arranged that an analysis of the bill should appear by reading the resolutions themselves, and he would give the House an explanation of every item as it might come under discussion.

He had forgotten to mention when he addressed the House previously, that, with regard to that portion of the proposed railway if Nipissing is to be the starting point, that will run within the limits of the Province of Ontario, he would inform the House that some months ago, a deputation of his colleagues were authorized by Order in Council, to meet the Government of Ontario in order to confer with them respecting the lands they would be willing to place at the disposal of the Dominion Government to aid in the construction of such portion of the Canada Pacific Railway as will run through Ontario. He thought the Minister of Finance (Hon. Sir Francis Hincks), and Secretary of State (Hon. Mr. Aikins) were the gentlemen authorized to confer with the Government of Ontario, and if his memory did not fail him, the result of the conference was that the Ontario Government would be inclined to place at the disposal of the Dominion Government, for the benefit of the company building the railway, every alternate block, as was promised in the Province of British Columbia. They had no reason to believe other than that the understanding arrived at with the then existing Government of Ontario would be carried out by the present possessors of portfolios in that province.

The resolutions he had the honour to introduce did not ask authority to give to the company constructing the railway property which did not belong to the Dominion. The bill in the hands of every member provided that, with regard to that portion of the railway passing through the Province of Ontario, the land grant to be given to the company shall be such as may be agreed upon between the Dominion and Ontario Governments.

The House then went into committee, **Mr. STREET** in the chair.

**Hon. Sir GEORGE-É. CARTIER** moved the first resolution as follows:—

That a railway, to be called the Canadian Pacific Railway, be constructed in pursuance of, and in conformity with the agreement made between the Dominion and the Province of British Columbia, and embodied in the order of the Queen in Council admitting the said Province into the Union, under the 146th section of the British North America Act, 1867.

**Hon. Mr. MACKENZIE** said this resolution would pass as a matter of course, as they had bound themselves to it last year; but he thought they should have some information as to the time when the Government expected to be able to commence the railway. He thought it a great mistake to commence the actual work of construction until not only an exploratory but an instrumental survey of the various routes had been made. The published report gave very little information.

**Hon. Mr. LANGEVIN** explained that, when he laid before the House the report of the Engineer-in-Chief of the Pacific Railway, he stated that the report was not complete, but that the appendix, containing large and copious extracts from the reports of the District Engineers, would be ready very soon. The printers were to

May 7, 1872

have had them ready yesterday, but had had such press of work that they had not been able to complete them, and they were now promised for tomorrow.

**Hon. Mr. MACKENZIE** could not gain from the report of the Chief Engineer the slightest idea as to the time it would take his staff to so far complete the survey as to justify the Government in giving out the contracts.

**Hon. Mr. LANGEVIN** replied that the survey had been prosecuted with all the diligence possible, and the information so far obtained had enabled the Engineer-in-Chief to state to the Government that he is able to determine the general direction of the line from one end to the other; but until the general location takes place, it will be impossible to say exactly that the line will pass within any particular half mile. He found no great engineering difficulties in the way. Special surveys might be necessary in places between Fort Garry and the Rocky Mountains to determine where a bridge will have to be placed, because the river flows between very steep banks.

The result of the surveys is that a pass known as the "Yellowhead Pass" is asserted to be a very favorable pass for our Pacific Railway; and while the elevation of the Union Pacific Railway is eight thousand feet, ours will only be four thousand feet. Everything considered, our line will be through a more favourable country, and will be much shorter than the American line. The Engineer-in-Chief hopes, with information he will shortly receive, to be in a position to recommend the giving of the contracts for the construction of the railway.

**Mr. JONES (Leeds North and Grenville North)** thought the House should have all information that can be obtained before discussing the bill. The Engineer-in-Chief had drawn comparisons between the Union Pacific, Northern Pacific, and Canadian Pacific routes, while he could not say for certain what the length of the Canadian railway will be. He did not think the road could be built for less than one hundred and fifty million dollars, with all the land that could be given. No company could undertake its construction unless they saw a prospect of doubling their money.

**Hon. Mr. ANGLIN** did not agree with the member for Lambton (Hon. Mr. Mackenzie) that, because the House voted for the resolutions of last session, they were bound to support those of this. He opposed them last year and should oppose those now introduced, at every stage, as he did not think the country was prepared to undertake so expensive a work. He agreed with the hon. gentleman who had just sat down that Canada would have to pay every cent. He ridiculed the resolutions of last year, binding the country to the construction of the road in ten years, and yet stating that no additional taxation would fall upon the people of the country. He did not think that the country was prepared for a burden of the

magnitude proposed, and would therefore express his intention of protesting against it.

**Hon. Sir A.T. GALT** said it was well known that he opposed last session the acceptance by Canada of the obligation to construct the Pacific Railway, but the House having determined otherwise, we were bound to carry out that obligation. The question now was whether the resolutions before the House might be considered a reasonable mode of fulfilling it, and he was bound to say that in their general aspect they appeared to do so. The money required was larger than was proposed last year, but he understood that the line was somewhat longer than was anticipated, and he did not think that the assistance proposed to be given was too great.

He thought the general outline proposed in regard to dealing with the companies who proposed to undertake the building of the road was good. It was very clear that the object was to induce competition. (*Hear, hear.*) With regard, however, to the 8th resolution he observed that the Government proposed to put in the hands of one company all the railway enterprises connected with the North-West. He thought that that was a mistake. He thought that the extension of the American line to Fort Garry might be constructed on very much easier terms to the Province than the main line could be, and at an earlier date. It was necessary, in view of the settlement of the country, that that part of the line should be constructed at once, and he would suggest that the Government should not bar themselves from separating that portion of the line from the others. At the same time they should be careful that the policy of the country was not interfered with by private enterprises, and he thought that provision could be made against it in the Act.

**Hon. Sir GEORGE-É. CARTIER** said, with regard to the remarks of the hon. member for Sherbrooke (Hon. Sir A.T. Galt), that the general purport of the scheme met the objection he had taken. There was no doubt that a branch line to connect Lake Superior with the Main line should be built, and the Government had taken power to grant aid to a company formed for that purpose. If they could agree, the same course would be adopted with regard to the branch from Fort Garry to the province line of Manitoba, in order to unite with the American system, and the Government had observed with pleasure that several companies were seeking incorporation for that purpose.

Last year when he proposed the resolution that the Pacific Railway should be built and worked by one company, he was met with the objection that it would be impossible to find any company even with assistance in money and in land to build the railway; but it had been found, he was glad to say, that there were several companies seeking incorporation for that purpose. The policy of the Government would be to allow all these companies to obtain Acts of incorporation, whether for a



portion or the whole of the railway, reserving to themselves power, however, to deal with them afterwards.

With regard to the branches, if the Government agreed with any company, the assistance to be afforded them would be in land and not in money; the money subsidy would only be for the main line. The first thing would be to build a branch from Fort Garry in order to connect with the American system, about seventy miles, and if the Government could agree with any of the proposed companies they would do so. At the same time they must understand that the Government would not be forced into a large price.

**Hon. Sir A.T. GALT** believed that the best plan would be to connect the American line with Fort Garry and thence to Lakes Manitoba and Winnipeg, making use of the steamboat navigation on those lakes. This would afford facilities for settling the country, and the Pacific Railroad could be carried on at the same time. He was glad to hear that the Government proposed to permit the incorporation of these local companies, and hoped that they would not, in their arrangement with companies, so bind them as to delay the completion of the road.

**Hon. Mr. BLAKE** agreed with the hon. member for Sherbrooke (Hon. Sir A.T. Galt), that the House, having undertaken to build the railway, they were bound in good faith to carry it out. The question now to be considered was with reference solely to the mode which the Government propose to carry out the scheme, and it was on this point there would be difference of opinion. It might appear to the Opposition that the construction of the road might best be promoted by delaying the matter until the surveys were more complete, that an undue degree of power to the Government determining the location of the road was being proposed, that the land grant should be modified, and that the sanction of Parliament was necessary to any agreement between the Government and the company. It might be necessary to bring forward such propositions as these, and he contended that such propositions would be consistent with the views they had expressed of the absolute necessity of carrying forward this work with the utmost expedition compatible with propriety, in accordance with the terms of the treaty with British Columbia. He would take up these questions as the several resolutions came up.

**Mr. JONES (Leeds North and Grenville North)** did not consider that he was bound by the action of the House last year. The Minister of Militia (Hon. Sir George-É. Cartier) had then stated that the resolutions were passed on the understanding that the road would be constructed by private enterprise, and would not increase taxation. If that could be shown he would not be opposed to the construction of the road. He was willing that the proposed land grant should be doubled if necessary. He believed railway companies had proved to be the best land agents possible, and was willing to

sustain the Government in this course, provided taxation was not increased.

**Hon. Mr. BLAKE** said that they had requested that the resolution following the address to Her Majesty last year should form a part of the terms of union with British Columbia. This, however, was not done, and the country was pledged to build the road at once.

**Hon. Sir GEORGE-É. CARTIER** said the Government had not acceded to the proposition because they would thereby have changed the terms of union with British Columbia and that country would not have been united to Canada today, for the change would have had to be submitted to British Columbia for their consent.

**Hon. Mr. MACKENZIE:** What then was the meaning of the resolution of the hon. gentleman?

**Hon. Sir GEORGE-É. CARTIER:** Because the Government concluded that it was better that the railway should be built and worked by a company than by the Government.

**Mr. FERGUSON** said it was stated that the non-acceptance of terms would have interfered with the Union at the time the matter was settled. A delegate from British Columbia was present who had been appointed by the Lieut.-Governor, who had admitted that the propositions were satisfactory. When the House met and the members from British Columbia were present, and the question came up for discussion there was no objection to the matter; and whatever might have fallen from the member for Durham West (Hon. Mr. Blake), the House had no intention to go beyond the grant of land and money named in the resolutions. The increase in amount from last year was because the length of the road was not then correctly known. The annual expenditure involved in the road was said to be one and a half millions, and as long as that was adhered to there was very little to complain of.

He thought the member for Durham West might have informed the House what the Ontario Government would be prepared to do in the matter. It was very easy to object, but the question was "was the road to be built?" Canada wanted the great North-West, and having got it she would hold the House responsible for making it available. Without a railway it would be useless. No doubt the Ontario Government would carry out the intentions of their predecessors in the matter, as they had already expended nearly four millions in railway enterprise.

He hoped the House would soon know what the cost per mile was likely to be—\$30,000 had been named, but that amount would be a very extravagant estimate. Still, with a subsidy of \$30,000,000, and 50,000,000 acres of land represented \$50,000,000; there would be \$80,000,000 with

May 7, 1872

which to construct the line, which would almost allow the amount per mile spoken of. He believed that railway companies were about the best immigration agents possible, so long as there were proper restriction to prevent any monopoly. The Government ought not, however, to rush into the matter blindly, without first knowing what the cost would be. It had been suggested that all contracts should be submitted to Parliament, and he considered that, if the Government could not make arrangements that would be in every way satisfactory they would be justified in calling an extra session of Parliament and laying the whole matter before the House.

He had voted for the resolutions last year, because he believed ten years was quite enough to build the road. Capital was plenty, and could be got as cheaply as it ever would be, and he had no fear of the great bugbear that we were going beyond our means.

**Mr. HARRISON** said that the question was not so much what he had done in the past in reference to this railway as what he intended to do in the future. The intention of all with scarcely an exception was to build the road and to do it as quickly as possible. This would be found to be the almost universal sentiment of the House and the country. The Dominion was in honour bound to do it—as it was her interest to do—and settle the North West. It was a duty to ourselves, to the civilized world, and to the surplus population of the old world; and it was also the duty of the Empire to see that the road was constructed.

The Americans had already one road and proposed another, and everyone knew that the Canadian road would have great advantages over the American line. The great trade of the east was a prize in which the rising Dominion would benefit. He approved of the mode of construction being by private enterprise, and also of the idea that there should be competing companies, and hoped that no company honestly seeking incorporation for the purpose would be refused on any technicality. If Canadians were capable of constructing the work they ought to have the preference over foreign capitalists. Americans had found it necessary to engage Canadian engineers in their most difficult undertakings, and they had not to go outside the House to get as high engineering talent as could possibly be found. (*Cheers.*)

He quite approved of the proposition not to deplete our exchequer by giving the whole subsidy in money. The only way to make the land valuable was to open it up and settle it by people who would contribute to the revenue in both customs and excise, and he knew of no way so likely to bring this about speedily as to put the land in the hands of companies, with proper restrictions. He was glad to see that the line would come near Lake Nipissing. The Government of Ontario would, no doubt, be asked to assist in the matter, and they would, no doubt act in union with the feelings of the

people of the Province. Some place called Mattawa had been named, but the terminus ought to be as near as possible to the railway system of Ontario. They were all agreed as to the advisability of constructing the road, and there could only be some difference as to the mode.

**Hon. Sir GEORGE-É. CARTIER** said the intention with regard to the eastern terminus was that it should be at some point near Lake Nipissing, with which the Ontario railways would connect, and at the same time enable the Quebec Government to assist to build a railway from Lake Nipissing towards Ottawa on the north side of the Ottawa River. By this means the two provinces would derive as much advantage as they expect.

**Hon. Mr. McDOUGALL (Lanark North)** thought there seemed to be no disposition to offer any serious amendment or opposition, and he had no doubt the resolutions would be passed, though possibly with slight modification. The fact that the country was pledged through its Parliament to build a railway between Lake Nipissing and the Pacific must be admitted. They were bound to do it, and if they considered the discussions last session, the discussion in the public press, the action of other legislatures and public men, it must be seen that the great majority of the people of Canada should make use of American railways as much as possible; but the public seemed to be greatly ahead of that matter, and he must acquiesce.

In the light of the experience of the past few years, he had somewhat revised his opinions as to the ability to build railways. Ontario had seen two or three railways extended very rapidly over a very rough country, which had produced a revenue sufficient to pay the interest on the capital expended and expenses. Part of this result was attributable to the adoption of the narrow gauge. The Pacific Railway was to be of this gauge, and would be constructed at much less cost than the Grand Trunk Railway and other lines of the past.

With regard to the sentiments attributed to the Government, he had never understood that they had said the railway would not cost the country anything. Public works could not be constructed without expenditure. They could not eat their cake and have it too. He had understood that the Government had stated that, in view of the increased revenue of the country, and in view of the greater power of the country to meet its liabilities, it would not be necessary to impose any additional taxation, (*Cheers*) and he did not doubt that such would be the case, taking the calculation of the member for Ontario South (Mr. Gibbs) that the annual outlay represented was 1 1/2 millions. The people of Canada were quite ready to incur that risk for the sake of having a great highway throughout the length and breadth of the country. He regretted, however, that the matter had been brought before the House on such imperfect data. The engineer's report was very brief, and to his mind very unsatisfactory.



There was one point of great interest to Ontario—and it must be remembered that at present and for some time to come, the great share of the burden incurred by reason of the great undertaking would fall on the people of Ontario,—and therefore he thought they ought to have a better assurance that the railway would fall into their system of railways. The map showed a line drawn some 100 miles north of Lake Nipissing he supposed to enable comparisons in point of distance with other railways, but that would be scarcely pleasing as an indication of the Government scheme. He was, therefore, glad to hear the Minister of Militia (Hon. Sir George-É. Cartier) say that the point would be very near Lake Nipissing, as near as in an engineering sense the line could be drawn.

That would relieve the minds of many in Ontario, for the railway should be built where it would be most beneficial, and then if afterwards it should be found that a railway was wanted further to the north it could be built. That was a pretty long stretch of country, and the House after adopting these resolutions might find an obstacle interposed which could not be overcome, and which would require the adoption of a more southern line than was marked on the map. Perhaps the Minister of Public Works (Hon. Mr. Langevin) could tell the House whether further reports submitted by the engineers gave any more information on that point to show that the country was practicable. It presented itself upon his mind as a serious obstacle in dealing with this question. (*Hear, hear.*)

Now with respect to the Ontario land question he understood from the remarks of the hon. gentleman, Hon. Sir George-É. Cartier, though he did not perhaps catch the precise words, that in the interviews which the Government had had with members of the late Government of Ontario an arrangement had been come to, although it had not taken the form of a precise agreement, that the Government of Ontario would contribute liberally of the unoccupied lands at its disposal towards the construction of the road. He understood that the late Government of Ontario had assented to that, although a specific agreement had not been entered into. He would like to know whether any communication had taken place upon that point because the House knew that a change of Government had since intervened in that Province, and it was a matter of interest to learn whether the new administration had a new policy in that respect.

**Hon. Sir GEORGE-É. CARTIER** said he could answer the hon. member. The proposition made by the Ontario Government to the Dominion Government had been to place every alternate block of land in that Province along the proposed route at the disposal of the Dominion Government, in order to aid the construction of this railway, just the same as the Government of British Columbia had agreed to give alternate blocks. No communication or conference had taken place between the Dominion Government and the present Government of Ontario on the subject. It was expected, however, by the Dominion Government that there would be no objection upon the part of the present Government of Ontario—which the House knew favoured the building of railways—to carry out what had been determined upon by their predecessors in office. (*Hear,*

*hear.*) The late Government, he might add, had stated that they would retain for themselves the alternate block.

**Hon. Mr. McDOUGALL (Lanark North)** was very glad to hear that that was the position in which the question had been left by the late Government, and must say that he had no doubt himself, from the example they had given of the manner in which promises had been carried out in these matters by the succeeding Government, that a similar course would be followed in regard to a question which was of so much consequence to the people of Ontario. (*Hear, hear.*)

There was another matter in respect to which he thought the public should be taken into the confidence of the Government and the House, and be fully informed as to the progress that had been made. He observed by the line laid down in the map intended to mark what was known as the “height of land,” that a large part of the projected railway would run upon a line beyond that height of land. Now as the height of land was supposed to constitute the boundary between the Province of Ontario and Rupert’s Land, if the railway ran upon the other side of it there would be no difficulty in regard to the alternate blocks, because all the land through which it would be constructed was under the jurisdiction of the Dominion Government.

He hoped, therefore, that some progress had been made in the question of determining the boundary between Ontario and Rupert’s Land, as, if that matter was settled, it might be found to simplify any negotiation that had been carried on with the Ontario Government. (*Hear, hear.*)

With respect to other points of the line, he was very sorry to see by the report on the survey that difficulty had occurred in British Columbia, although he supposed that that was to have been anticipated from what was known of the character of that country. He did not doubt, however, that a solution of that difficulty would ultimately be found, and that in the end it would be possible to reach the Pacific waters by a practicable line.

With regard to the financial plan the Government had adopted, he must confess that the offer of aid to the extent of \$30,000,000 in money, and a grant of 50,000,000 acres of land—if so much could be found on the line—would be a sufficient basis for any honest and capable men to operate upon in order to raise the money necessary to complete the railway. (*Hear, hear.*) Upon that point he had no doubt whatever: if he were a railway man with that bonus in his hands, he did not think he would find the slightest difficulty in procuring whatever additional capital might be necessary to prosecute the work to a successful completion. This fact would cause satisfaction to the people of the country, who in many cases had been alarmed at the prospect which threatened, or which certain parties had said threatened, of their being called upon to pay one hundred millions for the building of the road.

If it could be shown that with \$30,000,000 in money, and 50,000,000 acres of land, which would be of little value to us unless

May 7, 1872

developed by this means, we could secure the construction of a 4 ft. 8 1/2 inch railway from Lake Nipissing to the Pacific, he was satisfied Canada would make a good bargain, one that would do credit to the Government which proposed and carried it out, and that would be productive of great benefit to the country. (*Hear, hear.*) Believing that, he would heartily give his assistance and support, however humble they might be, in order to carry this measure into effect. (*Cheers.*)

**Hon. Mr. LANGEVIN** read from the report of the survey to show that the best practicable line eastward from the head of Lake Superior, was on the plateau north of the height of land. He also entered into an explanation of the lines that had been surveyed in British Columbia, and that were still under examination. As the result of this explanation, he said he had no doubt that a good line, with easy grade, and presenting in no part extraordinary engineering difficulties, would be obtained from the whole extent of the railway from the Pacific coast to Lake Nipissing.

**Hon. Mr. MACKENZIE** said he did not intend to discuss this question upon its merits, and by assenting to the resolutions in Committee, would not consider himself in any way compromised. His object was to obtain all the information he could, in order to be able to discuss the bill intelligently when it came up for second reading. Now the hon. gentleman (Hon. Sir George-É. Cartier) had led the House to believe that it was intended to commence the railway at Lake Nipissing; while from the map and report of the Chief Engineer, it would appear that it was the intention to start at the Mattawa, the distance between which and Lake Nipissing, was somewhere about seventy or eighty miles.

**Mr. SHANLY:** The hon. gentleman is wrong; it is forty-two miles.

**Hon. Mr. MACKENZIE** asked how far it was from Lake Nipissing to the Georgian Bay.

**Mr. SHANLY** Sixty miles, and the whole distance from the mouth of the Mattawa to the mouth of the French River on Georgian Bay, is 132 miles.

**Hon. Mr. MACKENZIE** said it appeared from the survey, that the starting point would be considerably east—forty two miles at least—of the point where it would be most convenient to bring the Pacific Railway system in Ontario. It would in fact follow the general course of the Ottawa River, from the Georgian Bay east thus making Montreal the ultimate terminus of the road. Now, he held that the starting place should be at a point midway between Lake Nipissing and the Georgian Bay, so that both lines of communication—the interior line, by way of the waters of Lake Ontario, and the line which ended at tide water, at Montreal—should be equally accommodated. He was willing to leave the matter in the doubt cast upon it by the discrepancy between the Chief Engineer's report and the statement of the hon. gentleman, for he had not so much confidence in the Government as to give

them the latitude of determining whether the starting point should be at the mouth of the Mattawa, or between Lake Nipissing and the Georgian Bay. (*Hear, hear.*)

He thought it was due to the people of Ontario, that the starting point should be so fixed that an outlet would be equally easy, either by way of existing lines in that Province, or by way of the Ottawa River to Montreal. The people of many municipalities, many of them poor and ill able to afford it, had taxed themselves heavily in order to build railways to open up the unsettled parts of the country, and he thought that under these circumstances, the Dominion Government ought to show some disposition to accommodate them, and not place the eastern terminus at a point which would practically cut off the railway from connection with existing lines in Ontario. (*Hear, hear.*)

Then with regard to the route north of Lake Superior, he would like to know the reasons upon which the opinion was founded, that there was no practicable line south of Lake Nipigon. The survey had been so incomplete that it was impossible to arrive at a clear opinion on this point, and he thought further information should be given concerning it. With regard to the whole question as to the construction of this road, his view had always been that the use of existing lines of water communication in summer and the American lines in winter to Fort Garry, and thence the construction of a good wagon road west to the Pacific, would suffice for our present wants. But that view had been set aside by the House, and, being in the minority he had only to bow to its decision.

Now, however, when the House was called upon to provide means for the construction of this railway, gentlemen on his side of the House, without committing themselves to the principle, were bound to direct public attention as well as the attention of the House to the matter, in such a way as they believed to be in accordance with the public requirements of the country and the dictates of common sense. (*Hear, hear.*)

**Mr. De COSMOS** had not intended to occupy the attention of the House at so late an hour, but as a British Columbian, he could not let the discussion pass without making a few remarks. He thought the construction of the Canadian Pacific Railway would tend greatly to the development of the Dominion, and the world at large. He expressed his satisfaction at the manner in which the Opposition had come forward to aid the Government in the great work. Before British Columbia had completed her negotiations with the Dominion, they had displayed opposition to the union and had it not been for the exertions of hon. gentlemen on the Government side of the House, and he thought some on the Opposition side, British Columbia would not now be part of the Dominion. He was glad to see that the Opposition were in favor of the Canadian Pacific Railway, and for his part he was quite willing to forget their former hostility. He regarded Esquimalt as the only terminus on the Pacific coast.

He was fully persuaded that the subsidy proposed by the Government was ample to provide for the construction of the line.



He thought they should compel any company undertaking the work to push on the Pacific end as rapidly as the eastern end. He pictured the time not far in the future when the Canada Pacific Railway will be running in connection with steamers from China.

**Hon. Sir FRANCIS HINCKS** said the line of argument taken by two or three gentlemen in the course of the debate indicated that they expected the Government to do more in reference to the survey than he thought they could be called upon to do. The Government would not have undertaken the expense of the surveys now in course of completion if they could have got the people to come forward and undertake the construction of the railway without these surveys being made. The member for Leeds North and Grenville North (Mr. Jones) had referred to the construction of the Pacific Railway as analagous to that of the Intercolonial Railway; but the circumstances were quite different. The Intercolonial was entirely a Government work, while the Canadian Pacific was to be built by companies, and if they can get companies to undertake the construction it will be for them (the companies) to undertake the surveys. They had assurances that companies would come forward who would undertake to discover a route. The Government had wisely put the subsidy they intended to give in a block sum, and not in a mileage sum; but calculated so that it cannot exceed a certain amount. This would be an inducement to the companies to adopt the shortest and best lines. He was pleased to hear his hon. friend from British Columbia say that the subsidy was sufficient. He (Hon. Sir Francis Hincks) considered it sufficient but not too large.

**Mr. GRANT** considered the selection of Mattawa as the commencement of the railway the most judicious that could be made. He would inform the hon. member for Lambton (Hon. Mr. Mackenzie) that Mattawa was a very important point. It was well known that Montreal and Toronto compete for the trade of the Ottawa Valley, and the time was not far distant when there will be a direct communication from Toronto to Mattawa via Lake Nipissing, which will give to that road, and therefore to Toronto, the large trade of the Ottawa Valley. He felt sure that the railways now being built up the Ottawa would connect with the Pacific Railway at Mattawa. Scarcely a year had elapsed since the surveys were commenced, and yet they had sufficient information before them to enable them to ascertain the best route for the line to take.

He congratulated the Government upon the energy they displayed in pushing forward the work, and the able resolutions brought down by the Minister of Militia (Hon. Sir George-É. Cartier). He was satisfied that the people of this country were prepared to carry out the construction of the railway. England had guaranteed a loan of two and a half millions sterling and promised to help us, should the necessity arise to the full strength of the Empire, and he looked to a most prosperous future for Canada. He would do all in his power to assist in carrying out the resolutions, as he thought no better project could be presented.

**Hon. Mr. BLAKE** asked whether they were to understand that the eastern end of the survey and plan did not represent the views of the Government on that point.

After several questions between **Hon. Messrs. BLAKE, MACKENZIE, and Sir GEORGE-É. CARTIER,**

**Hon. Mr. LANGEVIN** said that the eastern terminus of the road would be to the south of Lake Nipissing.

**Hon. Mr. BLAKE** asked whether anything more had been determined as to the terminus.

**Hon. Sir GEORGE-É. CARTIER:** No; nothing more.

**Hon. Mr. HOLTON** asked whether the bill would be referred to the Railway Committee.

**Hon. Sir GEORGE-É. CARTIER:** No, but that, so soon as the opinion of the House was ascertained, the Railway Committee would be able to deal with the applications for Acts of incorporation.

**Hon. Mr. HOLTON** had nothing to say in opposition to that, but wanted to make the enquiry because the Government had established the precedent of referring important bills to Committee, instancing the banking and insolvency laws. He had understood from members of the Government that offers to undertake the work had been received, and he thought they should be read before a Committee of the House, if the measure was not to be submitted to the Railway Committee.

**Hon. Sir GEORGE-É. CARTIER** said the Government had never stated that offers had been made to construct the road, but that acts of incorporation for the purpose had been sought.

**Hon. Sir JOHN A. MACDONALD** said the hon. gentlemen opposite were co-mingling the remarks of his colleague with what he (Hon. Sir John A. Macdonald) had said as to there being no communications to the Government except one letter to himself from Sir Hugh Allan, which he had treated as quasi official. He had stated that he considered it very gratifying to have an offer from a gentleman of such high standing but he understood he would make a more official offer to the Government, and therefore he would not bring it down without his consent.

It was known, however, that there were various parties desirous of carrying out the great work, and it was a source of satisfaction to know that the gentlemen concerned were of the highest standing and influence. They had, however, applied for acts of incorporation instead of to the Government, and those applications would of course go to the Railway Committee.

**Hon. Mr. BLAKE** inquired if Hon. Sir John A. Macdonald had asked Sir Hugh Allan's consent to bring down this communication.

**Hon. Sir JOHN A. MACDONALD** said that Sir Hugh Allan had remarked on this matter that the answer he (Hon. Sir John A. Macdonald) had given on a former occasion was the proper one.

May 7, 1872

**Hon. Mr. BLAKE** said that this was no answer to the question he had asked as to whether Sir Hugh Allan had been asked for his consent.

In reply to Hon. Mr. Blake, **Hon. Sir GEORGE-É. CARTIER** said that whatever company might build the road could do what they pleased with the alternate blocks of land. He also replied, in answer to Hon. Mr. Blake, that the subsidy would be paid to the company at the discretion of the Government; also, that the Government had not decided when or at what price to sell the blocks of land to be retained for a sinking fund.

In reply to Hon. Mr. Anglin, **Hon. Sir GEORGE-É. CARTIER** said the gauge of the road would be 4 feet 8 1/2 ins. and be built in such a way as would be approved by the Governor General in Council. It was a great institution, the Governor in Council. (*Laughter.*)

**Hon. Mr. BLAKE** said that the result of what had been extracted from the Government was this: that they proposed to take 30 millions of money and 50 millions of acres of land and to contract for the disposition of 50 million other acres of land. This was the scheme they proposed to the liberality, or he should rather say, the credulity of the House. (*Hear, hear.*)

The first and the two following resolutions were then adopted:—

That such railway shall extend from some point on or near Lake Nipissing to some point on the shore of the Pacific Ocean; the course and line thereof to be subject to the approval of the Governor in Council.

That the whole line of such railway shall be constructed and worked by one Company, to be approved of and agreed with by the Governor in Council, and be commenced within two years and completed within ten years from the admission of British Columbia into the Dominion.

**Hon. Sir GEORGE-É. CARTIER** moved the fourth resolution as follows: “That the land grant to such company to secure the construction and working of the railway shall not exceed fifty million acres, in blocks of twenty miles in depth on each side of the line of the railway in Manitoba, the North West Territories and British Columbia, alternating with blocks of like depth reserved for the Government of the Dominion, and to be sold by it, and the proceeds of such sale applied towards reimbursing to the Dominion the sums expended by it on the construction of the said railway; such lands to be granted from time to time as any portion of the railway is completed, in proportion to the length, difficulty of construction, and cost of such portion; and in Ontario such land grant to be subject to the arrangement which may be made in that behalf by the Government of the Dominion with the Government of that Province; provided that, if the total quantity of land in the alternate blocks to be so granted to the company should be less than fifty million acres then the Government may, in its discretion, grant to the company, such additional quantity of land elsewhere as will make up such alternate blocks and quantity not exceeding fifty

million acres; and in the case of such additional grant, a quantity of land elsewhere equal to such additional grant shall be reserved and disposed of by the Government, for the same purposes as the alternate blocks to be reserved as aforesaid by the Government on the line of the railway.”

In reply to Hon. Mr. Blake,

**Hon. Sir GEORGE-É. CARTIER** stated that the quantities of land to be given to the company would be given by the Governor in Council from time to time as the line was built, taking into consideration the amount of work done.

**Hon. Mr. BLAKE** said about six hundred miles were to be constructed in British Columbia, and only about two-thirds of the land was to be found in that Province. Would that land in British Columbia be appropriated to the British Columbia construction?

**Hon. Sir GEORGE-É. CARTIER** said yes and in further reply to Hon. Mr. Blake, said there would be no maximum or minimum price named in the bill, at which the lands would be sold nor any time at which the lands should be settled.

The fourth resolution was passed.

**Hon. Sir GEORGE-É. CARTIER** moved the fifth as follows:—“That the subsidy or aid in money to be granted to such company, be such sum not exceeding—dollars per mile, or thirty million dollars in the whole, as may be agreed upon between the Government and the company, the company allowing the cost of the surveys of the line in 1871-2, as part of such subsidy; and that the Governor in Council be authorized to raise by loan such sum as may be required to pay such subsidy.” He explained that a large portion would be constructed at a comparatively light cost, while other portions would be the reverse. It was, therefore, proposed that the price per mile should be left open; and in reply to questions, said there would be no provision in the bill as to the time of payment of the subsidy nor as to the details of the construction, except that the gauge would be narrow, and that everything would have to be done to the satisfaction of the Governor in Council.

The resolution was passed.

**Hon. Sir GEORGE-É. CARTIER** moved the 6th, 7th and 8th as follows:—

6. That the gauge of the railway be four feet eight inches and a half, and the grade, material, and mode of construction such as the Government and Company shall agree upon.

7. That the Government may make such agreement as aforesaid with any company and approved by the Governor in Council and being incorporated with power to construct a railway on a line approved by them from Lake Nipissing to the Pacific Ocean; or that, if there be two or more such, having power, singly or together, to construct such railway, they may unite as one company, and such agreement may be made with the united companies; or that if there be no such company, with whom the Government deems it advisable to make such agreement, and there be persons able and



willing to form such company the Government may by charter incorporate them and make such agreement with the company so incorporated.

8. That the Government may further agree with the company, with whom such agreement as aforesaid shall have been made, to construct and work a branch line of railway from some part of the main line in Manitoba to some point on the boundary line between that Province and the United States, to connect with the system of railways in the said States, and another branch from some point on the main line to some point on Lake Superior in British territory; and that such Branch line shall be deemed part of the Canadian Pacific Railway, and a land grant in aid thereof may be made by the Government to such extent as may be agreed upon between the Government and the company.

**Hon. Sir GEORGE-É. CARTIER** said, with regard to the eighth resolution, that there would be no money subsidy for the construction of the branches, but there would be land grants; only the Government would agree with the same company that constructed the main line for the construction of the branches. There was no particular limit fixed to the grant as one line might be constructed easily compared to another. The distance from Pembina to Fort Garry was about seventy miles, and the other would be about 100 miles. The Government intended to carry out the scheme as authorized by Parliament, and nothing else.

The resolutions were then adopted, and the Committee rose and reported.

The House adjourned at 11.35.

May 8, 1872

## HOUSE OF COMMONS

Wednesday, May 8, 1872

The SPEAKER took the chair at three o'clock.

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*Prayers*

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Hon. Mr. LANGEVIN laid upon the table, the Correspondence, Tenders, &c., relating to the improvements in the Rivers Thames and Sydenham.

Also, Reports of Engineers and others, respecting the Canal on the St. Clair Flats.

Mr. SHANLY introduced a Bill to confer additional powers on the Montreal, Vaudreuil and Ottawa Railway Companies.

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## THE TREATY BILL

Hon. Sir JOHN A. MACDONALD then stated that in accordance with the arrangement made the other day the Bill to give effect to the Washington Treaty should be proceeded with today. He would move, seconded by Hon. Mr. MACKENZIE, that the Government Orders be taken up, and that the Bill be read a second time.

Hon. Mr. BLAKE after some preliminary remarks, alluded to the fishery articles. It would be recollected by the House that the question of the fisheries was not a new one. During the existence of the Reciprocity Treaty, any questions that might have arisen out of possible collisions and violations by American fishermen of our undisputed rights, were set at rest. When that Treaty terminated it was the view of the then Government of Canada, that it was necessary to adopt prompt steps towards the assertion of the rights of Canada and the Maritime Provinces. At that period Confederation was imminent, and very properly the Government had regard to that fact in the observations they addressed to His Excellency with reference to the situation in question at that time. At any rate they had a very correct notion as to the importance of the fisheries, not merely in reference to their intrinsic value, but with reference to considerations far beyond any money value consideration of our exclusive right to those fisheries.

He proposed to read to the House some extracts from the Minute of Council of the 23rd March, 1866, showing what the view of the Government then was. (He then quoted at length from the minute in

question to show the views of the Government as to the importance and value of the fisheries to Canada, and the necessity for having our right to them fully protected.) The result of the minute was the statement by the Canadian Government that, in deference to the suggestion of the Imperial Government, they had agreed to adopt a system of licenses for one year, in the hope that in the meantime some definite understanding might be come to. This minute was followed by an attempt to open negotiations on the part of the United States Government, which proceeded a considerable distance but fell through, apparently because the United States Government did not propose to prevent American fishermen from encroaching on the fisheries. The license system was then put in force, and the leader of the Government had informed the House that it was a failure. This was to a certain extent true. It was true that a nominal license fee had at first been paid to some extent, and that it was afterwards disregarded. Under these circumstances it was necessary that some line or other should be taken and the policy abolishing the license system and excluding United States fishermen from our waters was adopted.

(He then read extracts from the report of the Minister of Marine for the year ending 30th June, 1869, as to the effect of the licensing system and its failure, as to the value of the fisheries and the necessity for taking some definite action in the matter.) Things went on for another year. The system of exclusion in the course of adoption at this period was continued, and he would read the history of the question as it stood at that time. (The hon. gentleman then read from the report of the Minister of Marine for the year 1870 to the effect that the fisheries had much improved, which was attributable to the excellent fishery laws adopted by the Parliament of Canada, that the marine police had also been of great service in preventing infractions of the Customs laws by foreign fishing vessels, that the fisheries should not be given up without an adequate equivalent, and that the exclusion of American vessels had caused a great decrease in their trade). It would be observed, therefore, that the policy of the Administration, acquiesced in by the country, was to maintain and preserve the fisheries, not merely for their money value, but for the higher consideration of asserting our right to our own.

The open question was as to the headland lines. In reference to the three mile limit, as interpreted by the United States, there was then no claim on the part of that Government, and he had been astonished to hear the leader of the Government say, that there was a pretension worth mentioning, to the effect that the consequence of the Reciprocity Treaty was to abrogate the Convention of 1818. He (Hon. Sir John A. Macdonald) had read an article to the House from the *American Law Review* to this effect, and he was annoyed that it should have thought it fit to bring forward such an argument when



the United States Government had put forward no pretence to those fisheries; but on the contrary, had admitted the indisputable right of Canada to them, and had issued instructions to their fishermen notifying them of the passage of the Canadian laws, and warning them that they should not violate them. Under these circumstances the policy of this country was that the question with reference to headland lines should be settled, and the Imperial Government agreed with us in our construction of the treaty upon that question, and in our construction of the treaty with reference to our trading rights. At the same time the Imperial Government was very anxious that there should be a liberal construction of what it agreed should be our rights, and he read from the report of the Minister of Marine and Fisheries to establish this point.

Upon the urgent pressure of the Imperial Government, and pending the personal negotiation conducted by Mr. Campbell, the Canadian Government agreed to give a more unrestricted interpretation to that portion of the arrangement for the season. On the 9th June it was determined that Mr. Campbell should be sent to England to negotiate upon the fishery among other questions, and in the instructions to him he was expressly referred to certain reports of the 15th and 20th December, which had been already approved by the Government, which the Government admitted correctly represented the position of this question to which they desired him to call the attention of the colonial authorities in England, but which the House was now solemnly told were not fit to be brought down, as well from Imperial as from Canadian consideration. He thought they could all conjecture what the Canadian considerations were, and that they were purely governmental considerations. (*Hear, hear.*)

Who could say, after all that had been brought down, after all the remonstrances that had been made, and after the strong expressions of opinion that had been uttered upon the subject, that the publication of these documents would be prejudicial to any interest other than the interests of hon. gentlemen opposite? The reason they had not been brought down was because they would prove damaging to the Government; for they would show that their position was still more humiliating, because of the change that had taken place in the views they had formerly expressed upon the subject. (*Hear, hear.*) But the House had enough before it to be able to form a judgment as to what was left behind. He then proceeded to read from the Minutes of the Council and from the instructions to Mr. Campbell, to show the strong views the Government then entertained upon the fishery question, which they had proposed should be referred for settlement to a Commission.

The original proposition was that this Commission should be composed of three persons—a representative of Great Britain, a representative of the United States, and a representative of Canada. He asked if that proposition had been accepted, and the Minister of Justice had been appointed under it, what position he would have held? He maintained that the hon. gentleman would have been a Canadian Commissioner, and that no other argument was admissible. He (Hon. Mr. Blake) read further from Mr. Campbell's instructions, and from the correspondence between the Government

and Lord Kimberley, upon the question of appointing such a commission, composed of one British, one Canadian, and one United States Commissioner, and argued that while the Canadian was to be an Imperial Commissioner he would more especially be a representative of Canada, having a right to assent to or reject any propositions that might be made before the Commission affecting Canadian interests.

It would be observed that, in the correspondence between the Imperial Government and Sir Edward Thornton, the latter was directed to communicate with the Governor General, and that the correspondence must have taken place between the British Minister and His Excellency's advisers, but that correspondence had not been brought down. The House had not been told what communications had passed between this Government and Sir Edward Thornton upon the subject of the Commission. The only official information there was upon this point was in the Speech from the Throne last session, in which the statement was made that it had been decided to refer the fishery question to a commission, upon which Canada would be represented. He (Hon. Mr. Blake) also read a further passage from the speech and from Orders in Council to show that, in the opinion of the Government, the policy of exclusion had been perfectly successful, and attended with the happiest results. He had read also from a speech of Hon. Sir John A. Macdonald last session, in explanation of these passages from the Speech from the Throne, in order to establish the fact that the acceptance of the appointment as High Commissioner was subsequent to the enlargement of the scope of the Commission at the instance of the American Government. The House had been told, however, that this enlargement could not in the slightest degree injuriously affect the interests of Canada, for the hon. gentleman had stated in a speech delivered on 20th February last year that the Imperial Government had given repeated assurances that none of the rights of Canada would be surrendered without her consent, and that the action of the Commission would not be final and conclusive, but would go before the House of Lords and the House of Commons.

Now he (Hon. Mr. Blake) demanded that those assurances should be produced, which the First Minister had pledged himself to give when he asked the House to abstain from an expression of an opinion with regard to the Commission. When he asked the House to stay its hand, and when he told it that there were repeated assurances from the British Government, first, that not one of the rights of Canada should be surrendered without her consent, and second, that the action of the Commission would not be conclusive, but would go before the House of Lords and Commons, those assurances had been believed. The right of navigating the St. Lawrence had been surrendered without consulting Canada, and the House of Lords and Commons together could not undo what had been done in that respect. (*Hear, hear.*)

He (Hon. Mr. Blake) then passed on to consider another declaration made by the First Minister on the 24th February, when, in deprecating the proposed motion of the hon. member for Sherbrooke (Hon. Sir A.T. Galt), he said that if it passed he would



May 8, 1872

go to Washington as a mere delegate, having no voice in the deliberations of the Commission. It thus appeared that if he had received instructions from the House he would have gone as a delegate, but without instructions he would have been a representative. (*Hear, hear.*) That was the character in which the hon. gentleman had accepted the appointment, and it was because he had assumed that position that he (Hon. Mr. Blake) felt at the time that it would be better to leave him free and unfettered in his action and responsibility.

If the House had been told, however, that the hon. gentleman was to come back and plead that although he had assurances from the Imperial Government that nothing would be done without the consent of Canada, he was bound while at Washington to follow the instructions of Her Majesty's Government alone, without any power of vetoing propositions which affected Canadians interests, he (Hon. Mr. Blake) did not believe the House would ever have done what it had done. He certainly, had he anticipated the result, would never have taken the responsibility of tendering to the hon. member for Sherbrooke the advice he had tendered, to abstain from asking the House to give expression to an opinion upon the question. The hon. gentleman opposite, last year, stated that no condition of the treaty affecting Canada would become law, unless ratified by the Canadian Parliament, and there was therefore no risk. He (Hon. Mr. Blake) had then stated his willingness to let him go to Washington, as a Minister and Commissioner to carry out that view, on his own responsibility. Anterior to this, however, and while the hon. gentleman was talking so loudly of Canada's rights not being surrendered without her consent, and when the unanimous opinion of the House and the country was that the principle of exclusion from the fisheries was the true policy, and that the fisheries should not be surrendered for anything short of reciprocal trade relations, there was a despatch by cable which they were told was in substance contained in the despatch of the 16th February. This despatch he read, acknowledging Canada's rights to retain the fisheries, but suggesting the advisability of a money payment as compensation for their cession, so as to avoid disputes. Was that suggestion contained in the cable message also?

**Hon. Sir FRANCIS HINCKS:** No.

**Hon. Mr. BLAKE** thought the hon. gentleman would say so when he had taken time to reflect. Why was not the country informed of these suggestions instead of being left to grope in the dark? It was, however, stated in the cable despatch that Her Majesty's Government would not consent to any foreign exclusion. Was not that a pretty broad hint, and one which ought to have been stated? Supposing a proposal had been made that the fisheries should be sold, how many voices would have been raised in its favour? Would one single member in the House have advocated such an idea? The hon. gentleman heard that a forgone conclusion would not be allowed, the policy of exclusion would not necessarily be adhered to yet he gave no whisper of alarm. The hon. gentleman boasted that, on the 10th of March, he caused a telegram to be sent that the Canadian Government held that the fisheries should not be

settled without their consent. He knew that the sentiment of the country was against a sale, and it was, therefore, his duty to say, "I cannot consent to a proposal for the cession of the fisheries for a money payment at all, and I will have nothing more to do with it."

He then referred to the instructions given to the Commissioners, in which it was stated that Her Majesty's Government would be glad that the Commission should come to a conclusion on the matter of the fisheries, but feared they would find it expedient that a settlement should be arrived at by some other means, and suggesting in that event a reference to an independent and different Commission, not hampered with the Alabama and other matters. Only one week later, under date of 16th February, the British Government proposed, as a thing to be desired, the settlement of the fishery question by a money payment. As to the account given of the proceedings in Conference, it was most inconvenient that one of the Commissioners should state that the protocols did not properly represent the case, and must only be taken with his explanations. Well, the Commission very soon came to the discussion of the fisheries, when the British Ministers stated that they were prepared to discuss the question in general or in detail, either by taking into consideration the rights of the two nations, or by dealing with the matter in a more comprehensive view, leaving it thus altogether to the Americans. It need not be doubted that the Americans chose the view which best suited them.

Then came a discussion as to the reciprocity, which was a solemn farce, for every one knew that it was quite hopeless to try to obtain a Reciprocity Treaty. How did this tremendous change, as far as Canada was concerned, take place without one word of protest and objection? The only protest was that Canada thought the fisheries should not be sold without her consent. When the hon. gentleman was going to Washington, he stated that the first thing to be discussed was what were the rights of Canada; then how were they to be enforced, and then what compensation would she receive for any rights she surrendered. He agreed that that was the true way of dealing with the matter; and the hon. gentleman had then correctly stated the order of events; but immediately afterwards he reversed it.

It had been stated that the hon. gentleman could not protest, and that he could not have threatened a withdrawal; but when he found that such a change had taken place as would never have been sanctioned by the House or country, it was his duty to maintain that Canada's well understood views should not be disregarded. The hon. gentleman, the First Minister, had pointed out that there was now a reciprocal right to fish; but he thought that argument could scarcely be pressed; for it was well known that the American fisheries were almost useless; and if the Americans by their recklessness, had almost worn out their own fisheries, how long would it have been before they would be at our mercy? And so soon as they could get no fish of their own, their markets would have been open to us? Practically, the present arrangement was a cession of our rights for money, and after the statements in the despatches of the Imperial Government, hon. gentlemen could not now turn round and say it was a transaction of reciprocal trade.



He (Hon. Mr. Blake) objected to a cession of territorial rights for a money consideration at all. It was not only objectionable in itself, but its inevitable tendency would lead to future exactions of the same description. He maintained that the treaty failed to settle Canada's rights in the fisheries, and that every year during which the question was left open, would make a solution more difficult. If the question had been settled there would be, at the end of the twelve years during which the Treaty would continue, only the question whether or not they should revert to the old system of exclusion.

It was a blunder in statesmanship that the British Commissioners, when they determined to accede to the granting of the common right to the fisheries, did not stipulate that Canada's rights should be acknowledged at once and forever. It was absolutely necessary, in order to the carrying out of the clauses of the Treaty, that those rights should be settled; because on that settlement would depend the amount to be paid as compensation. All the reasoning on which the Treaty had been founded, every argument used by the British government, and every argument which hon. gentlemen opposite urged, were based on the proposition that there was a source of irritation and dispute between the two countries, which would be settled by the Americans being admitted to the common right of fishing, and which it was dangerous to the peace of the Empire to leave unsettled.

Hon. gentlemen opposite had always argued that the longer the rights in question were left undefined, the more difficult would be the solution when the time came for an amicable settlement; and, therefore, by that argument, whatever the difficulties were last year, they would be increased tenfold at the end of ten or twelve years. A course might have been adopted which would have given more leverage and a greater power of resistance to those proposals, which every man of ordinary foresight must perceive would be made at the end of the twelve years. Had the Treaty provided an annual payment to endure for twelve years only, there would, at the end of that time, have been a necessity that there should be a new arrangement of some kind; but, instead of this, a gross sum was to be paid—not as the value of the fee simply of the surrender privileges, but as the value of twelve years' purchase. At the end of this time, Canada would have to give a notice, and if there was difficulty in settling her rights now, that difficulty would then be an impossibility; and he maintained, therefore that the practical result of the Treaty was to cede the fisheries forever, in return for twelve years' purchase.

As to there being now a critical state of relations between the two countries, why, there would be the same then; the same hectoring, the same blustering and bragging, if only for the purpose of retaining the fishing privileges. It had been urged in favour of the Treaty, that it gave Canada the free right to export fish and oil to the United States. Was this so? There was now a bill before Congress awaiting the decision on the Treaty which would give American fishermen a bounty on all their earnings, and this would still put

Canadian fishermen at a disadvantage; and so the present inequality would be restored; it might not be to so great an extent, as the bounty might not be so large as the duty, but still there would be the inequality. If the Treaty had been intended to remove every difference, it should have contained a provision that American fishermen should receive no bounty.

Hon. gentlemen opposite had stated it to be utterly useless to connect the fisheries with the subject of reciprocity; but he believed that the fisheries were a great lever in obtaining reciprocity. It was something Canada had to give, but that something was now gone, and gone forever. The hon. gentleman on this subject had been more than usually inconsistent. He had told them with much earnestness that the exclusion of the Americans from our fisheries was productive of disputes and contention, and that it was necessary, in the interests of the Empire and peace, that they should be allowed to participate. Shortly afterwards he had told them that the American people did not want the fisheries, almost the whole of the Union being against that portion of the Treaty, and they would be glad if the fishery clauses were rejected. He (Hon. Mr. Blake) was amused at that branch of the hon. gentleman's argument.

The navigation of the St. Lawrence was unquestionably a territorial right, equally with the fisheries, and he thought the argument that the question was one of the boundary was a poor one. The Treaty dealt with the navigation of the St. Lawrence from its point of contact with the United States to where it became a part of the ocean, and the question was one of the right to navigate the river within our exclusive bounds, a right appertaining to the various Provinces anterior to the Dominion, and confirmed by the British North America Act. The hon. gentleman had stated that England had given repeated assurances that the rights of Canada should not be surrendered without her consent. Was not the navigation of her rivers a right of Canada? They had also been told that technically the Empire had the right to cede territorial rights, and not only our waters but the lands over which they flow however wrong such a cession might be. But he (Hon. Mr. Blake) considered that England had no right to cede the navigation of the St. Lawrence without the consent of Canada. The hon. gentleman had set his hand to a Treaty which, without the consent of this country by her Parliament, parts with the navigation of the St. Lawrence. He considered that a stronger acknowledgment of the extent of our right should be given than that given by the United States on the Reciprocity Treaty of 1854, when they accepted as a privilege under the terms of that treaty, the right to navigate the St. Lawrence. He then referred to the treaty of 1846 under which he said, the north branch of the Columbia river was in precisely the same position, according to boundaries then fixed, as the St. Lawrence is at present. He maintained that the navigation of the St. Lawrence in the west and the fisheries in the east, were the lever by which Canada ought to have obtained fair terms from the United States. The treaty gave Canada the right of navigating Lake Michigan, for 12 years, and he thought a similar limit should have been made as to the Americans navigating the St. Lawrence to Montreal. He charged the Minister

May 8, 1872

of Justice (Hon. Sir John A. Macdonald) with cowardice, in not asserting his rights against the cupidity of the United States. By the treaty of St. Petersburg, Canada had the right to navigate the rivers of Alaska, but the British Commissioners evidently knew nothing of that treaty, and proposed that the navigation of these rivers should be ceded to them, and the Americans had assented with a grave face on one side and a laugh on the other. He could not believe that the British Government had ceded the navigation of the St. Lawrence without the consent of the Canadian Commissioner or the Canadian Government, either expressed or implied.

There was no doubt that there were certain difficulties in consequence of the treaty-making power being in the empire, and to carry out the constitution it would be necessary from time to time to make such arrangements as would practically give authority to the Colony in such matter.

It being six o'clock the House rose.

## AFTER RECESS

### THE INTERNATIONAL BRIDGE COMPANY

The House went into Committee on the bill to confirm an agreement between the Grand Trunk Railway and the International Bridge Co. The Committee adopted the Bill and reported. The Bill was then read a third time and passed.

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### MONTREAL TELEGRAPH COMPANY

On motion of **Hon. Mr. HOLTON** the Bill to extend the powers of the Montreal Telegraph Company, was read a second time.

**Hon. Mr. BLAKE** resumed his speech on the second reading of the Bill to give effect to the Treaty of Washington. With regard to the Fenian claims, he had said, when the subject was brought up by the member for Lennox (Mr. Cartwright) the other day, that he regretted its premature introduction, as it might complicate the general discussion, but he was now glad that it had been brought up, as he would not be called upon to speak at any great length now. He desired to speak particularly of the position of those claims. The House knew that for several years Fenian raids had been a source of anxiety and difficulty in this country; that we had been obliged to undertake from time to time very large expenditures on account of them. This was not the only inconvenience. The men who had come forward bravely to defend the country had done so at great loss to themselves. The House knew also that the feeling of insecurity had had a bad effect on the country, both by withdrawing foreign capital and causing a stagnation in business affairs. There were also the considerations of a different character, in the loss of the lives of the brave men who fell in our defence, and besides all this we were

suffering extreme indignity in the position in which we were placed with reference to the neighbouring power because those raids had been organized and encouraged there. Public drillings had taken place, and speeches had been made by men in high positions in the neighbouring republic against this country, and all this was going on for a longer period, culminating, from time to time, in fresh attacks, causing inconvenience and difficulty to the country. He maintained that the language of the Government which he had quoted expressed, in terms not at all too strong, what was the position of the Empire towards the United States on this matter; but the conduct of the Imperial Government had been very strange, and it was painful to contrast their course with what they had adopted in the cases of the capture of Englishmen by Greek brigands, and toward Abyssinia. The Government had stated in their despatch of the 1st July, that having received all the information asked for as the representations made from time to time by Her Majesty's Government to the Government of the United States, they were of the opinion that during all those years of suffering and loss Her Majesty's Government had not made any vigorous effort to put a stop to the wrong. He entirely concurred in this language. At the very time these things were going on, and they were refusing redress to us, the United States were clamouring for redress on account of the Alabama depredations. It was not necessary to show the difference in enormity between the two cases, but he would repeat a few extracts which a member of the Canadian Government had prepared for transmission to the Government of the United States, in order to show on what they based the Fenian claims.

The hon. gentleman then read from the memorandum in order to show the case as presented by the Canadian Government. The memorandum pointed out the wrongs that were being permitted by the United States in fostering the Fenian organization, and referred to the fact that Mr. Colfax, now Vice-President of the United States, had been present at Fenian meetings, and had openly encouraged them. He had alluded to this in order to show how great our grievances were, and how utterly inconsistent with the position of an independent power it was that those grievances should remain unredressed. But the hon. gentlemen opposite were now ready to put this case as a case of minor importance, and were ready to deal with it as a mere matter of money. In his opinion they lowered the question altogether when they talked of it as question of money; the point that was desired was an acknowledgment that there had been disregard of the duty of a neighbouring State, and the settlement for the future of the question as to whether it was right or wrong, in accordance with the principles of International Law or not, that the Government of the United States should allow its citizens and subjects to drill and organize for the purpose of invading a friendly power. That question entirely overbore the simple question of money lost.

The hon. gentleman had said that our claims were principally of the character of indirect damages, and that it would have been very embarrassing to have pressed them. The Empire was at that time acknowledging that the cost of fitting out cruisers in order to capture the Alabama, was within the scope of damages



recoverable, and what were we asking for. We were asking for the direct damages involved in our being obliged to fit out an army and for the loss of life which had occurred, and the law which they agreed should govern the Alabama claims should govern ours. The Imperial Government had not taken the ground that there were no direct damages. They stated that they would urge them no further, because a part of them were inferential, and because of this they had decided to abandon them all.

He did think that this question, at the conclusion of the conference, stood in the most unfortunate position possible for the Empire. He did not believe that the policy which dictated the Treaty was the true policy in the interests of the Empire. He did not believe that the concession of a neighbouring power would ensure friendly relations. He did not believe that the abandonment of clear, plain, and just demands like ours, was the way to obtain a cession of the causes which led to them. As he had said before, he thought the question of money was of minor importance compared with the question of loss of prestige, of sovereignty and self-respect which we had suffered for the Empire, in giving up the consideration of the question of what was the duty of the U.S. in time of peace. The Government expressed their views both as to the Fenian claims and the fishery clauses in June, and were answered as to the latter by the Colonial Secretary. There were no new arguments in that answer, and in July with the whole Imperial argument before them, our Government came to a conclusion as to their duty, and that conclusion was evidenced in the despatch of July, which indicated in the plainest terms that notwithstanding the Imperial considerations alleged by the Colonial Secretary, they were not prepared to accept the Treaty or accede to the withdrawal of the Fenian claims. He would read what the Government had said of the Fenian question.

He then quoted from the despatch, speaking of the general dissatisfaction of the people on account of the non-removal of the principal cause for anxiety between the two countries, stating that the Privy Council were very apprehensive as to the difference of opinion between Canada and the United States as to the duty of a friendly state in a time of peace, and adding that the Fenian organization was still in full vigour, and that there was no reason to hope for a better performance by the United States of their duty in the future than in the past, and terming the matter as that of the greatest importance to the people of Canada. That despatch was written in the proper spirit, there was then no mention of the paltry question of money. Hon. gentlemen then took the proper ground; but if they were right then, how far were they fallen now. From that time, when inflamed with true zeal for the country, and rising to the dignity of the position, they wrote that despatch, not one word was said from the other side; and yet in January they wrote proposing a guarantee of £4,000,000 as compensation for the matter. They proposed not to leave the question open, to be resumed at a more convenient time, when England

should rise to a sense of her duty to the world and to the United States, but to abandon the matter, and take from England an endorsement of a bill for £4,000,000 thus admitting that all this high-flown writing, all this dignified statement, all this high appreciation of what the honour of the country required, was merely affected to enhance the amount of money to be paid by England. (*Cheers.*)

First, England was to discharge her duty—next, she was to pay for neglecting to do so. The observation of the member for Lambton (Hon. Mr. Mackenzie) was indisputably correct that the proposal was utterly unaccountable. Remembering how they had spoken in July, and then how they had proposed to abandon the claims and agree that the questions should be left, he need not say that if the Empire was willing to make such an arrangement for the sake of our honour, and for the blood of those who had been slaughtered in our defence, of course the claim would not be pressed. If the English Government did not press it in the face of the despatch of July, would they be likely to do it now? And the United States, after declaring to consider it, would now know that it had been settled by the acknowledgement on the whole Empire, Canada included, that it was not fit that that Republic should be called upon to discharge its duty, and that—he was not afraid to say it—we were afraid to demand justice, and the discharge of ordinary duties from them. Under these circumstances the proposal of the hon. gentleman inflicted upon us the most serious injury possible. What cause could they cite to make correct the despatch of January if that of July was correct.

As to the money argument, assuming that it was worth all that was stated by the Minister of Finance, it was not for that money that we should have given up our position. Only today the member for Lambton had received a representation of the circumstances of the widowed mother of one of the young men who fell at Ridgeway. To say that there should be no application for redress, and no proposal that these disgraceful outrages should be prevented in the future, was something that the House was not prepared to forget or forgive the men who had made the proposal that the Empire should provide the compensation.

In reference to the Fishery clauses Government stated in July that they were not fair, and maintained that there had followed no possible reasons which could induce a change of view. He recognized the duty of looking to Imperial interests but denied that they should judge of those interests entirely on the representations of those who might chance to be in power in England. He was prepared to consider the question as Government had considered it in July, and it devolved on them to show that there were Imperial considerations adduced afterwards which overbore their own determination. Hon. gentlemen opposite told them that the guarantee was given solely with reference to the Fenian claims, but he believed from a perusal of the papers that the proposal was that they were prepared to ask Parliament to adopt the Fishery articles and abandon the Fenian claims on getting the

May 8, 1872

guarantee. Hon. gentlemen in the correspondence stated very properly that the cession of territorial rights for a money consideration was repugnant to the feelings of the people of Canada, and yet they so judged, or, he hoped, so misjudged the feelings of Parliament as to believe that, when they stated that they had obtained the guarantee, they might say, "Put your feelings and your honour in your pocket, England has agreed to guarantee our bill; we have sold our claims to good advantage; let us be thankful." (*Cheers.*) That was the position—and he desired hon. gentlemen to show where Imperial considerations were suggested to their minds that induced them to change their views.

The reason was that they believed they could induce the people of Canada, having pointed out our injured feelings, how soiled our honour, how humiliated our feelings, at the attitude we were called upon to take, to make the sacrifice and adopt the measure, if only they could show the Treaty in one hand and the money in the other. If the sacrifice was to be made at all, it would have been much better to have made it an Imperial consideration only; and Canada would have stood much better with England if she had accepted an unacceptable Treaty because she believed it to be in the interests of the Empire, than by simply raising objections to increase the amount she was to receive. To come down, however, from this high ground and take the question of money, he maintained that the statement of the Minister of Finance was fallacious, and that all Canada would gain by the guarantee would be, not \$600,000 as had been stated, but merely 1.5 per cent on the £2,500,000 and for this they were to abandon the Fenian claims, and the hope of security in the future that would be derived from a recognition by the United States of her duty towards us—and also to accept the Fishery articles. There had been good evidence of the Fenian organization in the recent raid into Manitoba, which, small and insignificant as it was, would cost at least a quarter of a million of dollars.

He did not believe that the proposed arrangements were in the interest of the Empire, or of peace, or that they solved the difficulties between the two nations, and while he was prepared to agree that a liberal, fair and reasonable view should be taken, he was also prepared most distinctly to affirm that it was all important that no plain, clear right should be ceded away, simply because others had "set their hearts upon" the acquisition of what was not their own. Those who spoke of the Treaty being in the interests of peace were greatly mistaken, they called peace when there was no peace.

He had been called upon to remember the monarchy of which they were a part; he did remember that monarchy, and its Arms and Mottoes: "Dieu et Mon Droit"—"God and My Right." That was the motto under which our sovereign had ruled, and whether the appeal should be to the God of Peace or to the God of Battles, he believed that appeal would not be unanswered if only the case were "my right." If we maintained "God and My Right", and who dare to say we

were asking for more, he had no doubt that truth and justice would prevail, and that no danger would ensue on their asserting plainly and temperately what those rights were, but they would be untrue to the motto which had stood at the head of the monarchy so long, if they were now to say that plain, clear and distinct rights should be abandoned from notices of alleged, though he believed false, expediency. If, however, the Treaty was to be ratified, they were free to express their opinions and the opinions of the country, and they were surely free, they were surely bound to say that the proposals of gentlemen opposite, subsequent to the negotiations were not such as were consistent with the honour of the country, or such as the House should adopt.

He moved, in amendment, seconded by the **Hon. Mr. DORION**:

That all the words after "That" to the end of the Question be left out, and the words "before proceeding further upon the said Bill, this House feels bound to declare that while Her Majesty's loyal subjects, the people of Canada, will at all times cheerfully make any reasonable sacrifice in the interests of the Empire, we have just ground for the great dissatisfaction prevailing throughout the country at the mode in which our rights have been dealt with in the negotiations resulting in the Treaty of Washington, and at the subsequent proposal of our Government that England should endorse a Canadian loan as a price for our adoption of the Treaty and for our abandonment of the Claims in respect of the Fenian Raids, which affect, not merely our purse, but also our honour and our peace," inserted instead thereof. (*Loud cheers.*)

The hon. gentleman resumed his seat shortly after 9 o'clock, after a speech of near four hours' duration.

**Hon. Mr. McDougall (Lanark North)** said that from the peculiar position he occupied towards parties in this house he felt bound at the earliest opportunity to state the views which he entertained with respect to the course that ought to be pursued upon the motion of the Minister of Justice (Hon. Sir John A. Macdonald) for the second reading of this bill. With regard to the amendment that had been offered by the hon. member for Durham West (Hon. Mr. Blake) he judged from the tenor of the speech with which it had been prefaced and from the language in which it was couched that it amounted practically to a declaration that this House should reject the Treaty of Washington. (*Hear, hear.*)

Now, from the first day on which he (Hon. McDougall) had had an opportunity of perusing and considering the provisions of that Treaty he had come to the conclusion in his own mind, without any hesitation, without any doubt, and he had had opportunities of knowing something of the discussions that had preceded the important deliberations which resulted in the Treaty, that it would be his duty as a representative of the people in this House to give his support to the Treaty. He believed upon examination of its



various clauses and conditions that it was a treaty framed in the interest of the people of this country, apart altogether from the questions which had been discussed at so much length and with such ability by the hon. gentleman who had preceded him. (*Hear, hear.*)

After all the discussion that had taken place upon it, after all the opinions that had been expressed in this House and the country, after all that had been said about it by the public press of England and the United States as well as in Canada, after every point had been fully brought out that could be suggested, his firm deliberate conviction was that this bargain, this Treaty, made between England and the United States was, so far as the clauses which affected the people of this country were concerned, a good, a desirable and beneficial Treaty. (*Cheers.*) That was the view he entertained, and it was not one which would be disturbed by considerations as to what the hon. gentlemen opposite had said or done—whether their despatches were correct or their negotiations cleverly conducted, whether they were right in this or right in that, or whether the First Minister had throughout acted consistently or not.

He thought these were questions of minor importance which had no real bearing upon the subject before the House. Hon. gentlemen were here as members of the Canadian Parliament to consider whether or not this short Bill should become law; and as the discussion seemed to be wandering away from the real question he would read the words of the proposed enactment. He then read the preamble and first clause of the bill, and continuing said that was the question before the House, was it expedient or was it not to adopt this measure? He said it was expedient. He said it was necessary. He said it was their duty as representatives of the people of Canada to adopt the necessary laws to carry that Treaty into effect—(*Hear, hear*)—and he would endeavour to give hon. members of the House some reasons from the point of view he occupied why they should do as in this Act it was recited it was their intention to do.

He had said that the previous discussions were unimportant so far as meeting the question really before the House was concerned, but in another light they were important as aiding in an understanding of the progress that had been made in regard to this matter. He was not one of those, even when he had had the honour of a seat upon the other side of the House, who had taken so strong a view of the fishery rights of Canada, as some of his hon. friends on both sides of the House. He had never been confident that the right to exclude the fishermen of other countries from the privilege of fishing within the three mile limit of our coasts was a right which it was so important to maintain for the sake of any advantage that we derived from it. He had heard no arguments, either in the House or elsewhere—nothing had been put forward in all the discussions that had taken place—to satisfy him that the fishermen of the fishing colonies would catch more fish, would make more money, would be better off, would be improved in any of their material circumstances by excluding foreign fishermen from our waters. If it could be shown that any serious detriment would be done to their

interests, he confessed there would be some reason why we should make a rigorous bargain, why we should cling more tenaciously to those rights than we had done. He had not, however, taken that view. He had not been able to convince himself—and he had examined the subject with a good deal of care at a time when he was responsible for dealing with it as a member of the Government—that the advantage which flowed from exclusive rights over the fishing grounds was serious and substantial in nature. (*Hear, hear.*) During the whole time the Reciprocity Treaty of 1854 was in force American fishermen were permitted to land upon our coast and to fish in our waters. When that Treaty was negotiated there was a great outcry against it in the Maritime Provinces. The people there said their interests were seriously menaced by the Treaty, and that if it were ratified irreparable injury would be done to them. But as time went on, and the result of the operation of the Treaty was seen, what was the consequence?

Why, the people of Nova Scotia and the other Provinces found that the Treaty, while it yielded a right, conferred corresponding advantages, a great trade which they had never anticipated sprung up in consequence of the admission of American fishermen; and instead of the ruin they feared coming to pass they gained so much in every respect that they desired a continuance of the Treaty rather than its repeal. It was found too, that the people of Prince Edward Island also experienced the great advantages of the Treaty in respect to the trade in coarse grains with the United States, which was largely increased by the permission granted to Americans to land upon the coast for fishing purposes. In that colony, too, there had been apprehensions, and he doubted not they were sincere that that Treaty was an actual surrender of their rights—a trading away of their privileges and advantages for the benefit of foreigners; but the result proved that the Treaty was really beneficial to the people of the country; and when the privileges given to citizens of the United States were freely enjoyed by them, they in their turn brought so many benefits that we heard no complaint from the colony. No injury was done to the fishermen of the Island; on the contrary, the trade which grew up was found to be doing good in many different ways. More goods were imported than ever before; commerce was brisk and stores were opened and profits made which never would have had an existence had it not been for the Treaty. (*Hear, hear.*)

So, too, under this Treaty he believed the same advantages would be gained, the same results would be found to follow. Looking at the matter therefore as a question of advantage or disadvantage, he was convinced that good would come out of the Treaty, and he had heard no sufficient reasons advanced in this House to show that there was any great injury likely to arise from the privileges which it conceded to the people of the United States. (*Hear, hear.*)

But Canada got advantages. This was a Reciprocity Treaty. (*Hear, hear.*) As he had read it in the first place, and subsequent examination only confirmed that view, the principle of reciprocity ran through the whole of it. First as to the fisheries: Under this Treaty we permitted the Americans to come within the three mile limit to fish upon our coasts. It had been argued by gentlemen on the Opposition side of the House, and by the press which



May 8, 1872

represented them that by the Treaty we gave up this right—that we had made a concession to the Americans which we could never recall, and that by permitting them to share in our fishing privileges we had given them a foothold which they would retain forever.

He took the contrary view; and he was satisfied that every honest lawyer who looked at the matter dispassionately, and who applied the same rules in analysing the Treaty, that he would apply to a case in a court of law, would see and admit that by this Treaty the Americans recognized our absolute right of control over the fisheries upon our coasts within the three mile limit—that President Grant when he signed his name to the Treaty, and the Senate of the United States when it confirmed it, did each of them perform an act which was a clear and distinct recognition of the rights we possessed, and which it was now charged we had given up and would ultimately lose altogether. It was true that the question of the headland line, which was a special and separate question from that respecting the three mile limit, had not been touched upon by the Treaty. That remained just where it was and it might be a serious question for consideration or not. In his opinion it was not a serious question; and if we raised no difficulty about it it would cause no grave discussions or consequences amongst our neighbours. The principle of reciprocity was then recognized in the Treaty, by conceding to Canadians the right to fish on the American coast.

**Mr. YOUNG** [ironically]: Hear, hear.

**Hon. Mr. McDougall (Lanark North)**: It was said that that was no advantage. Well, opinions differed upon that point. He had learned from some who were better informed upon the subject, than the hon. member for Waterloo South (Mr. Young) could be, that it was a great advantage; and in the course of his speech the Minister of Justice (Hon. Sir John A. Macdonald) had shown very clearly that it was an important object to gain that Canadian fishermen should have full liberty to resort to the American coast in order to procure the best bait to be used in their mackerel fishery. (*Hear, hear.*) Well, in addition to that privilege, and in further accordance with the reciprocity principle, Canadians under the treaty would have a right to send their fish when they caught them into the best market in the world for sale upon precisely the same terms as the American fishermen—free of duty and without hindrance of any kind whatever. Those who knew best, no matter what might be said here about it, appreciated that privilege, that feat of reciprocity at its true value. We heard no complaint from them; we only heard complaint from hon. gentlemen who came from the western part of the Dominion, from the leader of the Opposition in this House (Hon. Mr. Mackenzie), and the leader of the Government in another House, from another leader outside of the House and from some of the followers of these gentlemen. They had gone about the country it seemed upon one of those itinerant journeys they were occasionally so fond of, (*Laughter*), endeavouring to agitate and alarm the country with some story of evil omen, some sinister statement, that a great surrender was to be made of our fisheries which was to cause widespread injury to the whole country and especially to the people of the Maritime Provinces. (*Cheers.*)

But the people who were most interested in this matter, the people who were upon the spot, those who were engaged in the fishing business and who knew better than hon. gentlemen from Ontario could tell them what was to their advantage or disadvantage, were very well satisfied with the treaty. (*Hear, hear.*) He found with regard to Newfoundland, in which the principal interest was the fishery, that the leader of the Government in that colony, upon being asked by telegraph to join in a protest against the Treaty—that protest which the House had been informed tonight had been pronounced in Ontario after consultation between the hon. member for Durham West and the leader of the Opposition party, and which had been repeated by the Government of Nova Scotia—replied in a despatch to this effect—“Cannot see at present the propriety or utility of protesting. Will write by mail.” Now what was the answer that had come by mail. Mr. Bennett wrote to Mr. Vail of the Nova Scotia Government in this language: “It is the desire of this Government to avoid any collision with the Imperial wishes that do not necessarily demand our interference. We view England as our actual Protector—she has always acted not only justly but generously towards us. We have no apprehension that she will, in any way, prejudice those rights and privileges which she so liberally granted to the people of this colony under their valued Constitutional Charter. She has left us to exercise our own discretion and free will to enter the Confederation of the North American Provinces under the Dominion or not. And we have every confidence that she will protect us in the enjoyment of those rights and privileges which are so essential to our prosperity and happiness.” (*Hear, hear.*) That was from the leader of the Government of Newfoundland.

Then, with regard to the feeling in Prince Edward Island, he found Lieutenant Governor Robinson, on behalf of his Government, speaking in the same sense in a despatch to Lord Kimberley. The Lieutenant Governor said: “—I am confident that your Lordship will receive with much satisfaction the intimation contained in this despatch and that the prompt and loyal action of the Government of Prince Edward Island will predispose Her Majesty’s Government to comply as far as possible with any reasonable request which my advisors may consider it to be their duty to prefer.” Both of these Governments therefore—the Government of Prince Edward Island as well as that of Newfoundland—had intimated their willingness to accept the Treaty, and not only that, but to permit it to go into operation immediately. They were prepared to assent to it in advance of the meeting of their legislatures so satisfied were they that on the whole it was not disadvantageous to them, that there was no utility in refusing their assent and no sound policy to be served in resisting those clauses which the Imperial Government had left it in their power to accept or reject. So far then as he (Hon. Mr. McDougall) had been able to observe, the people of all these fishing Provinces were well satisfied with the provisions of the Treaty of Washington. (*Hear, hear.*)

Now, the House had heard a great deal tonight and had read and heard a great deal previously as to this being a matter of honour, that we ought not to barter away our honour, our nationality, our



independence, our territorial rights, for money. Well, it had occurred to his mind during this discussion that it was Her Majesty's Imperial Ministers who were charged by the law and constitution of the realm with the duty of making treaties with foreign powers and that it was not Canadians who were charged with that duty or could be held responsible for the conventions between England and other countries. He thought those Ministers had as high an appreciation of what was due to the dignity and honour of England, and would be fully as sensitive upon that point, as the hon. member for Lambton (Hon. Mr. Mackenzie) for instance, or any other of Her Majesty's subjects could be. If then they had come to the conclusion to advise Her Majesty to give her assent to this Treaty, and if upon that advice Her Majesty, who was the fountain of honour, had signed it, he thought it was a reasonable presumption that the honour of England had been untouched, that her dignity had not been compromised, and that the rights neither of the Mother Country nor of the Colonies had been given away without an adequate advantage being gained. (*Cheers.*)

And still more had he reason to take this view when he found that the Treaty was approved by the Imperial Parliament, for it had been submitted by the leaders of the Government in both Houses, and no objection had been taken to it. At any rate no motion had been made against it. On the contrary those who were in opposition, as well as those who ordinarily supported the Government congratulated the Ministry and the nation upon the probable settlement of the serious difficulties and dangers which had threatened the relations of these two great countries. How very different was the course pursued by the opposition in this country. (*Hear, hear.*)

He had already alluded to the manner in which the Treaty had been received by those whose interests were more directly affected, and who would be the first to exhibit dissatisfaction if there was any justification for it. In no part of the Dominion, however, had there been any objection, except where from their situation the people had no interest and knew very little about the matter. It was quite true that hon. gentlemen who came from that part of the country might know better than other people what was for the honour of the Empire and might know better what was for the good of the fishermen than they knew themselves. But he begged to differ from those hon. gentlemen in that view. He was not inclined to think they were the best authority upon that point with all their ability and experience, and he fully admitted the analytical skill of the hon. member who had last addressed the House, for he possessed great ability and was an intellectual gladiator, whose performances charmed them all. Still he had followed him carefully through his long speech, he had waded with him from point to point as he proceeded, in order to discover some good ground why the people of this country should set themselves against this agreement, and he had found none. (*Cheers.*)

An attempt had been made to show that the hon. gentleman opposite, who had acted upon the Commission at Washington, possessed some independent commission, some distinct right of action apart from his colleagues from England, and it had been attempted to prove this by referring to a discussion that had taken

place previously with respect to the headland negotiations, which were begun by Mr. Campbell.

Now, the two cases were entirely different. In the one case the point to be determined was one relating to the interpretation of the Treaty of 1818, and there was no question about giving up the fisheries. It was thought desirable in that case that the matter should be disposed of by an agreement in the nature of an arbitration, or rather of a legal adjudication upon the point. When the proposal was made, however, to enlarge the reference so as to embrace the Alabama claims and other questions the fishery question was swallowed up and became an altogether subordinate matter of consideration between the two countries. A very different Commission was then appointed—its charter was changed, the nature of the agreement they were authorized to enter into became entirely different from that which could have been entered into by the commission that was proposed to be appointed to settle the question of interpretation. The reasoning that applied in one case appeared, therefore, to him to be altogether irrelevant when applied in the other. (*Hear, hear.*)

He (Hon. Mr. McDougall) never believed that the Minister of Justice went to Washington to represent in a separate and distinct character the people of this Dominion. He believed, and he said so at the time that the moment that the hon. gentleman accepted the appointment, he became to all intents and purposes the mouthpiece of the Imperial advisers of Her Majesty, bound to act upon their instructions, and having no right to assume the position of a separate and independent envoy. (*Hear, hear.*) He knew that in accepting the appointment the hon. gentleman had placed himself in an embarrassing position, and that no matter how he acted he would be attacked by those who were politically opposed to him. Whether, under these circumstances it was advisable to have accepted the office he (Hon. Mr. McDougall) would not assume to determine; but this he would say that when the hon. gentleman became a member of the Commission the interests of Canada were well represented. Whatever might be the opinion of the House as to the Government and its policy they must all say on both sides that looking to the long public career of the hon. gentleman, that looking to the skill and ability with which he had conducted the affairs of the country in past times; that looking to his intellectual capacity and commanding grasp of political subjects if there was one man who had become qualified to speak in the name of the people of this Dominion assuming that he spoke his honest convictions, that hon. gentleman was the man. (*Loud cheers.*)

He (Hon. Mr. McDougall) was sure that if they had confidence in the hon. gentleman's honesty, they recognized so far his knowledge of constitutional history and the affairs of the country as to recognize him as being pre-eminently qualified to represent, defend and advocate the interests of the people of this country in any great negotiation of that kind. (*Cheers.*) Now if that could be truly said of him as a public man he (Hon. Mr. McDougall) wanted to know whether in the position he had occupied he had not with firmness, and yet with delicacy, by consultations and arguments with his colleagues, endeavoured to bring about the best arrangement for



May 8, 1872

Canada, and one that would be acceptable to its people. (*Hear, hear.*) He had no doubt whatever that that was the course which the hon. gentleman had pursued, and that those who on the Opposition side of the House arraigned him in their heart of hearts had no doubt of it either. (*Cheers.*) They did not believe that he had not laboured to obtain the most favourable arrangement possible; but it suited their purpose to find fault, to pick flaws in what he had done, to bring up despatches to use against the Government argument that the Government had put forward in the cause of Canada, and to adopt these arguments so as to now put the case forward after its settlement in the same way as it was put forward when it was under negotiation.

For what reason had they done this? Was it to promote a better settlement? Was it to secure a Treaty that would be more favourable to this country? By no means. It was not for the purpose of advancing the welfare of the Dominion, but it was to gain a paltry despicable political advantage. (*Loud cheers.*) That was the clear object of the Opposition, and no man could truthfully say that it was not their object. Now he could fearlessly stand up in this House, and declare that that was an unworthy and unpatriotic course to take. (*Renewed cheers.*) Oppositions had duties to perform as well as Ministries. They were under obligations and responsibilities which could no more be avoided than the responsibilities of the Government. This was well understood in England where the Opposition, which was led by Mr. Disraeli, had a much better opportunity of injuring the Government in regard to this Treaty than the Opposition led in this House by the member for Lambton (Hon. Mr. Mackenzie). But what course had the Opposition in England pursued when the Treaty was before them? They criticized it mildly and carefully, they considered it with reticence and bated breath; they made suggestions as to this course and the other, and looking at the whole of the discussion it was evident that they felt the responsibility of the great crisis that would come upon the country if they rejected it, and they refused to make use of the opportunity presented to them by imperilling the interests of the Empire for the sake of any mere party advantage. (*Cheers.*)

He had heard a great deal about party tonight. What "the party" had said and what "the party" had agreed to do. When he had heard this he could not help looking at the hon. member for Châteauguay (Hon. Mr. Holton) who he had reason to believe, not from private conversation, but from what he had seen in the public press, favoured the adoption of this Treaty, and he wondered whether the hon. gentleman who had told them so much about his party had consulted with that hon. member or with any other hon. gentleman belonging to the great Liberal Party of the Dominion, except such of them as were disaffected with the Treaty in that little corner of Ontario in which they lived and moved and had their being. (*Laughter and cheers.*) He (Hon. Mr. McDougall) had not seen or read anywhere that there had been a general consultation of the Liberal Party on the subject, but two or three of them it seemed had put their heads together in some back room, decided to their own satisfaction that there were reasons why the Treaty should not be adopted, and then went out through the country denouncing it as a bad Treaty, endeavouring to array their votaries against it and

continuing to find fault from that day to this (*Laughter and cheers*) and here they had a fitting conclusion of the scene. Here they had a resolution moved, not honestly in his judgment or with a view to divide the House fairly and squarely against the Treaty, but to distract attention by a sort of side wind, a nondescript amendment that could be interpreted in different ways; that meant nothing when proposed here, and that was simply a parliamentary manoeuvre which might afterwards be turned to some account before the people of the country.

He did not concur in such tactics as these. He was prepared in his place in Parliament openly and fearlessly to express his honest opinions and maintain the position he had taken upon this question, and he felt that he could speak with some little authority as a representative of the people, for at a very early moment after the publication of the Treaty he had sat down deliberately to consider the question, putting his views in the formal shape of a letter which he had addressed to his constituents. He had done this because he felt that it was for them he should speak in this House upon a question that so gravely affected their interests; and after some weeks when they had had time to reflect upon the subject, he went among them and publicly advocated as strongly as it was in his power to do, the adoption of this Treaty without reference to the existence of the Government or to party predilections or exigencies. He had yet to learn that one individual who had ever given him his vote found fault with the course he had taken or the views he had expressed upon the subject. Standing here, therefore, he felt that he was speaking in the name of the whole body of the constituency he represented and that he had the weight of their influence when he said that he intended to vote for the measure which the Government had submitted to carry out this Treaty. (*Loud cheers.*)

They had heard a good deal during the evening with respect to the Fenian claims, but he thought the majority of 43 of the previous evening should have precluded that subject from further notice. The treatment of this Government by the Imperial Government, it was said, had been very different to the course they had pursued in dealing with other cases of a similar nature, Greece and Abyssinia being cited; but the cases were quite different—the course could not be adopted in dealing with nations with armies in the field as in dealing with semi-barbarous tribes. What was the position of the Government? The Government of the United States had never admitted that they had been guilty of any breach of international law in consequence of the incursions of a few of their people over our frontier. We were of opinion that they had not acted with that vigour to prevent the invasion of a neutral country, that they ought to have done, but the Imperial Government, through its Minister at Washington, had on the last occasion expressed their thanks to the United States for the prompt manner in which they had exercised their authority to prevent the encroachments of the Fenians, and he did not think it was for Canada now to express an opinion on the subject. We have a long frontier, opposite a country where the people have large liberty, where men are allowed to carry arms, and frequently use them without being punished, and there would be great difficulty in enforcing international law in respect to the Fenian raids. The Imperial Government were the proper authorities



to raise the question, and if they had not done their duty, it was for those who had the power to censure them; and he did not think the Canadian Parliament had such power. They could express their opinion on grave mistakes, but could not refuse to carry out the policy of the Empire.

He thought it well that the House should understand the position the country held in a constitutional point of view, and quoted the 132nd clause of the Confederation Act, 1867. It was nowhere stated that the Government or Parliament of Canada could enter into arrangements or make treaties with other countries, and if they had that right, it was a concession on the part of the Mother Country. In the Treaty of Washington the Imperial Government had reserved to Canada the acceptance or rejection of the Treaty, and he thought there were a great many questions which ought to be considered before they rejected it. He believed it to be in the interests of all that it should be accepted. A great deal had been said as to the contradictory position of the hon. Minister of Justice (Hon. Sir John A. Macdonald) in his speech, in that he had said that the Government of the United States were desirous that the Treaty should be accepted, whilst the fishermen and others interested were opposed to it. It could be seen that the United States look to the difficulties of the past, and which might occur in the future arising out of the fisheries. Any politician desirous of promoting the interests of his country would be anxious to have all matters in dispute settled, and he was sure it was with that desire that the two Governments wished to remove out of the way of their people the causes of difficulty. It could be quite understood that persons engaged in fishing along the coast of the United States, not having any responsibility of Government upon their shoulders, should oppose the Treaty and the competition of Canadian fishermen. He could only look upon the Treaty as a desire of the two nations to do all possible in the interests of peace. It had been said that the difficulties had not been removed because the Fenian claims had not been settled.

He found laid down in the Treaty three very important rules of international law which the two countries had agreed to, not only to guide the settlement of questions in dispute at present, but to form a rule of action for the future. He read the rules, which are as follows:

A neutral Government is bound—

First: —To use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a Power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

Secondly: —Not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the

other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

Thirdly: —To exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.

It had been said that those rules referred solely to the Maritime Provinces and did not refer to invasion by land. They had not only the Municipal Law, but they had these laid down in distinct words, the great principle of the duty of a neutral to restrain its people from leaving or carrying on warlike operations with a country with whom they are at peace. And the principle on which those rules had been framed applied to invasions by land as well as by water. They had in the Treaty of Washington the duties of neutrals clearly and distinctly, for the first time, put in proper terms. They had two of the leading nations of the world solemnly stating the duties of neutrals, and it was a great point gained for Canada to have the United States Government thus formally committed to those obligations. Canada has a long frontier exposed to incursions by ruffians of every kind. Although he thought that England had taken a great and serious responsibility, it must be clear to the mind of every man acquainted with the facts that England assented to the arrangement because in the first place she had possessions in America, because she was responsible for the Government of her people in America, because her flag waved over a portion of this continent, the frontier of which is exposed. For those reasons, and for those reasons alone, the Government of England agreed to such an arrangement as has been made in the Treaty of Washington.

If England had not had possessions in North America, would she have admitted that she was guilty of negligence in allowing the escape of the *Alabama*? She would have done nothing of the kind. No such agreement could have been wrung from any Government, Tory or Radical, had it not been that she had American possessions, and it was for that reason he was disposed to say that the Imperial Government was responsible, and after they had given so much consideration to the interests of Canada it did not become any member of that Parliament to be so sensitive—it did not become political leaders to make objections for mere local or party selfish purposes, or with the sole object of resisting the Government. He had been associated with them in the past. He had discussed, and been party to the establishment of many of those political questions which they now claimed as their peculiar possessions before they were known. While the hon. gentleman who was at the present time one of the leaders of that party, was at College, and studying his profession, he (Hon. Mr. McDougall) was spending his time, and what little money he had in fighting the battle of the Reform party. What Statute book could show a single measure brought forward by the present leaders of that party? On what Statute book could they find a single record of what they had done? What had their master outside done? Either while occupying a seat in that House, or in conducting his organ the *Globe*?

May 8, 1872

They might speak of him (Hon. Mr. McDougall) with contempt—they might endeavour to underrate his humble efforts in the past, but he would meet them before the people without fear. He had met the whole caravan of them where they had 2,000 or 3,000 honest yeomen hearing their expositions of what they had done and would do. He was a humble spectator, unacknowledged until attacked when they thought he had left. He asked to be allowed to say a few words in reference to the matters under discussion, but they showed no disposition to allow him to do so, and there was a whispering consultation as to what should be done. He asked the chairman to put the motion. Hands were held up, and in compliance with the calls of the meeting he was allowed to speak. After he had explained his position, he spoke of the Treaty of Washington, and asked if it was not expedient on the part of those who had called the meeting to give a hint as to the course they proposed to adopt. He spoke in general terms, and gave his views very distinctly, and had a vote been taken he felt sure a majority would have endorsed his views. The hon. gentlemen answered, but they did not touch the Treaty—they went back to the clergy reserves and questions thirty years old.

He then referred to the result of the elections of last year, and the defeat of the Ontario Government when one-tenth of the House was unrepresented. He did not think that gentlemen representing themselves to be such could properly claim to be the leaders of the Reform party. Since they had acceded to power, they had in every action reversed the very policy they had advocated, and he instanced the policy on the railway question, and their great departure from principle in forming a coalition (*Cheers*) and he believed that the honest Reformers throughout the country had lost faith in them. The hon. member for Durham West had undertaken to speak as representing the Reform party of Ontario, but he (Hon. Mr. McDougall) believed that he did not represent that party, but that he was merely the head of a faction. (*Cheers*.)

He would not speak of the canal system, as he thought there was not a member who did not agree in the expediency of enlarging the canals to encourage the trade of the West. That policy had been stamped on this country and Government since he had been in Parliament. Some people objected that the Treaty of Washington would throw open the canals on the same terms to Americans as to our own people. He could not see that that would be any great surrender of honour and dignity. He was quite satisfied that the English Government would look after that. Had not American vessels of war been admitted through the canal of the Lakes, and he could not see what injury the country could sustain from the admission of American vessels in the time of peace, and if they could not protect their rivers and canals in the time of war the Treaty would be useless. The desire of some hon. gentlemen was to raise a captious opposition to find fault and to act against the interests of the Empire. He had no objection to sit down and consider the views which prevail with many English statesmen, that Canada had arrived at a period of manhood, and should therefore, as a family arrangement, be reconstructed, but so long as the present constitution should remain in force, they should not attempt

to assert an independence which they did not possess, and could not in the interests of the Empire exercise. The Imperial Government should be left in the hands of the Imperial Ministers. (*Loud cheers*.)

Mr. RYMAL said that the gentleman who had just sat down had taken occasion to allude to a gentleman not in this House as swaying the destinies of the Reform Party. For his part, he would say that he pinned his faith to no man's coat-tails, that he formed his own opinions, and gave expression to them when necessary. He could recollect the time when he (Hon. Mr. McDougall) was one of the most subservient followers of the gentleman he had alluded to, and it was owing to that gentleman that he had accepted any prominent position as a member of the Reform Party. He ridiculed the position of the member for Lanark North (Hon. Mr. McDougall), who, he said, was ready to make another somersault, and as he looked over to the Treasury benches seemed to be saying "Oh whistle and I'll come to thee my lad."

Some conversation here arose on the part of the Opposition as to adjourning the debate; but, as the Government desired to continue, the question was proceeded with.

Mr. YOUNG rose with diffidence to address the House after the able speeches he had listened to, and he did so with some disadvantage, as he had not expected that, at so late an hour, the Government would have sought to force a vote. It was fortunate that, in discussing this question, there could be no doubt as to the position of the country with regard to the fisheries. The Premier had seen fit to quote statements from American writers throwing doubts on our rights to the fisheries; but he preferred to take his (Hon. Sir John A. Macdonald's) statement of last session on the subject, to the effect that there could be no doubt whatever as to our right to the fisheries within the three mile limit. It was fortunate, also, that there could be no doubt as to the opinion of the House with regard to the fisheries and their disposal.

On the debate which took place last year there was but one opinion, and that was, that they could not be given up except in consideration of some commercial advantages to the Dominion. The Premier had then stated that England would, under no circumstances, give up our acknowledged rights, and that the fishing ground within three miles of the coast was just as much our territory as three miles of our land. In consequence of those statements the resolutions of the hon. member for Sherbrooke (Hon. Sir A.T. Galt) were withdrawn and under these circumstances he thought the House had good ground for charging the leader of the Government with want of good faith in signing the Treaty and sacrificing the rights of Canada. The American policy ought to be considered in connection with the matter, and the whole aim of that policy had been to worry England until she should withdraw her flag from this continent. This had been evidenced in the war of 1812, in past years, and most clearly in the matter of the Treaty. They saw England giving up everything, while the United States refused to allow strong claims against her to be considered at all, while she demanded the use of the Canadian fisheries. The British



Commissioners were not versed in American diplomacy; but the Minister of Justice (Hon. Sir John A. Macdonald) had no such excuse, and ought to have withstood the demands of the United States. He never heard a speech at once so inconsistent and unreasonable as that of the hon. gentleman a few days ago, and that was because all his reasons were contradicted by the terms of the despatches he had addressed to the English Government.

He did not think the whole blame of the Treaty should be thrown on the Imperial Government, for they took care that the parts affecting Canada should not go into effect until they were ratified by this Parliament, and therefore the responsibility of the adoption of the Treaty must rest with the Government and Parliament of Canada. The real question to consider was: Was the Treaty fair and just to Canada? Was she to give up the St. Lawrence, the fisheries, and the Fenian claims?

He spoke of the great value of the fisheries, as shown in the reports before the House, maintaining them to be one of the great national resources of the country. In return for all the proposed cessions, they were to get free access to American markets, a certain money consideration, and the right to fish in American waters. The money consideration was of small account; the fishing in American waters was of no value, and the privilege of obtaining access to the American markets, he would show, would, under the Treaty, last for a short time. The whole thing was a shameful sacrifice of Canada's interests, and this was generally admitted, and the member for Durham West (Hon. Mr. Blake) had fully proved it. He referred to the quantity of fish exported by Canada, showing that only a small portion went to the United States. He said agricultural products had not suffered by being shut out from the United States, and so it was with the fisheries. A large trade had sprung up with the West Indies and also with European countries, and any action that would increase this trade would be just as good as trade with the United States. They had no guarantee that the duty to be taken off fish and oil would not be continued, because the Americans would be able to give their fishermen a bounty which would do away with all the advantages for which the fisheries were to be given away. It was a great mistake that this bounty should not have been prohibited in the Treaty.

Nothing could be more objectionable than the cession of the joint sovereignty of the St. Lawrence and the abandonment of the Fenian claims. On both points, as far as the United States was concerned, the cession was completed and without equivalent.

As to the navigation of the rivers in Alaska, it was simply an insult, to make them an equivalent for the free navigation of the St. Lawrence. He had always been in favour of inducing American trade to our waters, but it should be a privilege, not a right, and the concession might lead them to interfere in our affairs in order to worry England into leaving Canada to take care of herself. The Minister of Justice should have seen that that right was not ceded until it had been submitted to the Canadian Parliament.

As to the Fenian claims, the object was not money, but to obtain an assurance that the United States would do what was right in future; and if the Commissioners had properly upheld the justice of the claims they would not have been withstood.

The question was now in a most unfortunate position, and would lead to fresh raids in future. There was almost moral cowardice in not pressing the claim. There was great feeling on the question throughout Ontario, because they believed the Treaty imperilled the country, and at all events would prevent any possibility of reciprocity for years to come. If the system of exclusion had been continued, much better commercial terms might have been obtained, and the people of Western Canada were therefore deeply interested in the matter. This was no reason why the Treaty should be ratified. He had seldom heard more paltry reasons than those urged by the Government in pressing the acceptance of the treaty. No danger would result from Canada standing up for her just rights, and the most certain way of rushing into war was giving up those rights and so provoking aggression. He thought the English guarantee the most disgraceful and humiliating part of the affair, as far as Canada was concerned, in accepting a money consideration for wounded feelings and honour. No wonder that people felt annoyed and humiliated and the result would greatly disgust the people of England.

He was prepared to make any reasonable sacrifice for the continuance of English connection; but he did not think the people of England would be desirous to make such a sacrifice; but in any case the people of Canada ought to be the first consideration. Where would these sacrifices end? They would never end so far as the United States were concerned, and as long as Canada was on the map. Pass the Treaty, and the fisheries would be yielded up forever, fresh inroads would be invited, fresh demands encouraged, and all hope of reciprocity destroyed, and the ties with the Mother Country loosened.

**Hon. Mr. HUNTINGTON** assumed that the Government were in possession of an information not before the House. It was a great national question which should be discussed in the interests of the Empire. He thought it unnecessary that the meeting of Parliament should have been deferred at all, but if it was deferred it should have been deferred until the Treaty became a fact. It seemed very doubtful whether the Treaty would succeed and in Canada alone the question was being discussed as if the Treaty had been passed.

He could not see any excuse unless the Government thought it a pity to lose the guarantee; that seemed to be the only inducement. If it were true that the Treaty would not have effect, they were acting in such a way that might in future be very embarrassing. He did not speak as to the merits of the matter, but in the discussion there ought to be an earnest desire to act for the best, and it could not be advisable to proceed until it were known whether the Treaty would become fact, but he could see no possible inducement but the bribe, and he knew well with what contempt England would look down on Canada for her action, which was like a Yankee asking \$100 for a horse for which he would be glad to accept \$50 if he could not get

May 8, 1872

more. The matter was a simple farce if the Treaty should not pass. If Government still ignored this point, he heard there would be an amendment to defer the legislation.

**Mr. MILLS** moved an adjournment of the debate.

**Hon. Sir JOHN A. MACDONALD** said it had been alleged that

Government was anxious to force a vote; there was no such desire, but it was obvious that if the business was to get through the House must sit later for the rest of the Session.

The debate was then adjourned to be the first order on Friday.

The House adjourned at midnight until three o'clock on Friday.





May 10, 1872

## HOUSE OF COMMONS

Friday, May 10, 1872

The **SPEAKER** took the chair at 3.15 p.m.

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*Prayers*

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## INSOLVENCY LAWS

Among the petitions presented was one by **Mr. HARRISON**, from the Board of Trade of Toronto, against the repeal of the Insolvent Act of 1869, and praying, in the event of its repeal, for an Act against preferential assignments, and for the rateable distribution of a debtor's property.

The following Bills were introduced, and read a first time.

**Hon. Mr. CAMERON (Peel):** To incorporate the Niagara Forwarding and Shipping Company.

**Mr. FOURNIER:** To provide for the appointment of Returning Officers for the next General Elections for the Dominion.

**Mr. BAKER:** To incorporate the Agricultural Insurance Company of Canada.

**Mr. BARTHE:** To incorporate the Sorel Board of Trade.

**Mr. FORTIN:** To incorporate the Canadian and European Telegraph Company.

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## TEA AND COFFEE DUTIES

**Hon. Sir FRANCIS HINCKS** moved,

That on Tuesday next the House resolve itself into Committee of the Whole to consider a resolution repealing the duties on tea and coffee on and after the 1st July next.

In moving this resolution, he said that since he had placed it on the paper he had seen there was a doubt in the United States as to the effect of the law recently passed by Congress repealing the tea and coffee duties.

This doubt had arisen from the fact that under an old law of the United States all goods and merchandise imported from countries

east of the Cape of Good Hope were subject to less duty by ten per cent than if they were imported from other countries.

The effect of that law, if it still remained in force, would be that tea imported from Canada or England into the United States would be charged with a duty of ten per cent, while if imported direct from the place of growth, it would, under the repealing Act, be admitted free.

If that were the case, the importer in Canada would be placed at a disadvantage as compared with the American importer, for while the latter would be able to send his surplus stock at any time into Canada, free of duty, the Canadian importer would be met with a duty of ten per cent upon any shipments he might make to American ports. He had instituted inquiries which would enable him to announce on Tuesday next, the exact effect of the law passed by Congress, when the Government would state whether the Government would place the merchants of this country on the same footing as the American merchants.

**Hon. Mr. HOLTON** said the Government was following the course of American legislation.

**Hon. Mr. MACKENZIE:** They are looking to Washington.

**Hon. Sir FRANCIS HINCKS** admitted that they had been influenced by the American Legislature, but that it was the necessity of the case. Canadian tea importers carried on as large operations as Americans, and in the fiscal arrangement of the Government it should be an object to place them on quite as favourable a footing.

**Hon. Mr. HOLTON** said his impression was that the American Act repealed the duties on tea and coffee purely and simply. Under the former policy of the United States before the war, before it became necessary for revenue purposes to impose heavy duties on tea and coffee, they encouraged the long voyage as it was called, that was the shipment direct from the place of growth to ports in the United States. This law applied to tea which it was an object to import direct instead of by the usual way of England, but he thought it applied to coffee which was grown in the West Indies, Brazil, and other countries west of the Cape of Good Hope. He had not seen the Act as it had finally passed Congress, but he had seen the Bill that went up from the House of Representatives to the Senate, and judging from that it was his impression that it repealed the tea and coffee duties absolutely.



What struck him as peculiar in the proposition of the hon. gentleman and in the proposed modification of his measure was the slavishness with which the Government was following American precedent in the matter of commercial legislation of all others. (*Hear, hear.*)

He thought we in Canada might learn wisdom from them in some respects, but least of all in matters of political economy. This measure of the repeal of the duties on tea and coffee in the United States was a stroke of tactics on the part of the protectionists to reconcile the populace by holding out to them the prospect of a free breakfast table, and thus preventing a reduction of duties on other imports which would (inaudible) with their monopoly.

Although he did not wish to worm out the secrets of the Government, he would be curious to learn whether they proposed following to its logical consequences the step they were now taking, by proposing the imposition of high protective duties on other articles. Public attention was now drawn to that question and he confessed that when he found his quondam free trade leader following so slavishly the precedents of American protectionists in this respect, he had grave misgivings as to his future intentions on that subject.

**Hon. Sir FRANCIS HINCKS:** I have got into bad company, it appears. (*Laughter.*)

The motion was then adopted.

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#### IMMIGRATION ACT

**Hon. Mr. POPE** moved the House into Committee of the Whole to consider the following resolution:

That it is expedient to amend the Immigration Act of 1869 (32-33 Vic., Cap.10) by repealing the capitation duty of one dollar thereby imposed for every passenger or immigrant above the age of one year, and instead thereof to impose a duty of two dollars for each passenger or immigrant above the age of one year arriving at their port of destination in Canada, in any vessel not cleared under the sanction of the Imperial Commissioners of Emigration, not carrying a surgeon on board and of which proper measures for the preservation of the health of the passengers and crew have not been observed during the voyage.

The motion was carried and the House went into Committee.

**Hon. Mr. POPE** in proposing this resolution for the adoption of the Committee, said that the object was twofold; first, to encourage immigration by relieving immigrants entirely from the capitation tax. That tax had been remonstrated against by many, and was felt to be burdensome to those bringing emigrants to this country, and to the emigrants themselves.

The Government had been placed in a position which would require them to ask the House this Session to refund to charitable societies in England money that had been advanced on this account.

The second object of the resolution was to remove as far as possible the difficulty and expense that was experienced at quarantine on account of overcrowded and ill-ventilated ships. The Americans avoided that difficulty by imposing a penalty of \$20 for every death that occurred on board an emigrant vessel during the passage. He proposed a better plan, it was to levy a tax of two dollars for every person carried on board a vessel who could not get a clearance from the Medical Superintendent at quarantine.

**Hon. Mr. MACKENZIE** asked whether the law would be put into operation this season and apply to vessels now on their way to Canada.

**Hon. Mr. POPE** replied that it would. The motion was carried, and the Committee rose and reported.

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#### SAN JUAN BOUNDARY

**Hon. Sir A.T. GALT** said that before the orders of the day were called he would put a question of which he had previously given notice, whether the Government had taken any and what steps to have the claims and interests of the Dominion specially represented in the reference to the Emperor of Germany on the question of the San Juan boundary.

**Hon. Sir JOHN A. MACDONALD** replied that Her Majesty's Government had communicated with the Canadian Government on the subject, and desired to get all the information that was in their possession in order to make up a case to be presented to the Arbitrator.

The Canadian Government had consequently communicated with the Provincial Government of British Columbia, and an elaborate statement had been prepared under the charge of the Lieut. Governor (Mr. Trutch) and the Attorney General (Mr. McCreight), from a British Columbian and Canadian point of view.

The statement had been sent home to England in time to be incorporated into the case, and in order to prevent any delays in obtaining further information the Government of British Columbia had been placed in direct communication with the Foreign Office. No special agent had been appointed on behalf of the Canadian Government to argue the subject before the Arbitrator.

**Hon. Sir A.T. GALT** had observed that the American Government had sent counsel to Germany to take charge of American interests in the matter, and considering the extreme importance of the question, perhaps the Government if they found

May 10, 1872

that this was the case would consider it necessary to send counsel to represent Canada.

**Hon. Sir JOHN A. MACDONALD:** What if the United States were represented by counsel; it would be the duty of the Imperial and not of the Canadian Government to see that the British view was represented in the same manner.

**Hon. Sir A.T. GALT** said that was exactly what he had apprehended—that there would be a divided duty and a divided responsibility. The Canadian Government would leave the matter to the care of the Imperial Government, and the latter in its turn would probably trust to the Canadian Government, and between the two there was a danger that Canadian interests would not be properly represented.

**Hon. Sir JOHN A. MACDONALD** said the point was worthy of consideration.

**Hon. Mr. MACKENZIE** said it was also worthy of consideration by the hon. member for Sherbrooke (Hon. Sir A.T. Galt) and the House that in another case where Canada had been specially represented, the country had not benefited much by it. (*Ironical cries of Oh, oh!*)

**Hon. Sir JOHN A. MACDONALD:** That is a very small shot. (*Laughter.*)

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### THE TREATY OF WASHINGTON BILL

The first order of the day being then called,

**Mr. MILLS** resumed the debate on the motion for the second reading of the Bill to carry into effect the provisions of the Treaty of Washington. He said he felt difficulty in discussing the question before the House. It had been ably argued by members on his side as well as on the Government side. The question was of so much importance that members who supported the Government would scarcely be satisfied by the mere record of their votes.

As leaders of the forlorn hope, it was of the utmost consequence they should not discourage those on whose support they had relied. They should feel entirely satisfied that before the Treaty was ratified we did not make a mistake; by one fell swoop we should not destroy the hopes and blast the prospects of this country.

Holding up the Treaty in his hand, he said that here was the hole through which America would get possession of this country. There was another important question when looking at the Treaty; he thought we had a substantial voice in the question, and that England conceded our right to self government, but it did not appear the interests of Canada were antagonistic to those of the Empire at large. It could not be for the interests of England that we should be

humiliated by the Treaty before the world. We were told we were to be wrapped up in swaddling clothes and held in leading strings.

The Ministry spoke of Canada as if she were a minor, and that it never was intended we should exercise our independent judgment, but England recognized our right to ratify the Treaty or not. Why did the Minister of Justice (Hon. Sir John A. Macdonald) introduce the Bill if we were not to criticize it? He believed it of the utmost consequence to see what the provisions of the Treaty meant, and looking at the 21st article (Fish and Fish Oils) he maintained it impossible to put any other construction to make the words refer except to those localities in which fish were caught within the Dominion.

It was the business of the Minister of Justice to see it so framed as not to admit of a doubt. If it was intended by this article that the business of fishing should be included it should have been so stated, but this construction could not be sustained. Was it slandering the Minister of Justice to say in this instance he had been derelict in his duty? The Minister of Justice deprecated the discussion on the Treaty, but would it be possible to keep from the American people the obvious meaning of this article, and the rights it conferred on them? He would warn the hon. gentlemen from the Maritime Provinces that the proper construction was put on this article before they consented to the ratification of the Treaty.

We were told the Alabama claims were conceded on our account, but he would like to know how the statement by the Minister of Justice could reconcile the statements that had been made by him. England had not made any sacrifice. The impediment was the ground taken by Mr. Seward that the English Government was premature in the recognition of the South as belligerents during the American war. It was a matter of necessity that England should recognize at an early day the state of affairs, but when the United States Government gave up their complaint against England for the recognition of the South the greatest difficulty was removed.

England claimed she had used due diligence with respect to the Alabama or her consorts. He (Mr. Mills) failed to see where England had made any concessions, although sacrifices had been made which certainly point to the severance of the relations between Canada and the Mother Country. (*Hear, hear.*)

We were told the millennial period would arrive on the ratification of the Treaty, but whoever would look at the difficulties since the independence of the United States between that country and England would see in every instance that the British Government had always said the settlement of that particular difficulty—whatever it was—would remove all obstacles to peace and quietness.

When the Government sent Mr. Campbell home and said Canada should be represented, they did nothing more than express the well understood wish of this country, and it was understood Canada should have a substantial voice in the matter. He had not much confidence, judging by several previous treaties, in the ability of



British statesmen, and the Oregon Territory dispute. That would prevent placing much reliance in the moderation and justice of American statesmen. (*Hear, hear.*)

It was important to ask what did the gentlemen on the Treasury benches mean when they asked to have a Commissioner appointed. Did they mean he should be appointed to give Canada a substantial voice in the Treaty, or was he there as an Imperial Commissioner? He was there as Canadian Commissioner with a voice separate from the other Commissioners and representing Canada. The difficulty between Great Britain and America did not grow out of the Alabama case but had existed years before. We might trace it to elementary education in the United States where people were educated from their youth up to cordial dislike of Great Britain and her institutions. A great change for the better had, however, taken place now, but much of the ill feeling had been traceable to this.

Another source of annoyance was always thought that America should hold all the North American continent. The third source was that growing out of the former mis-government of Ireland. He believed the recent changes in the laws, as well as the abolition of Church and State, would go far towards obliterating ill feeling against England.

Looking at all these sources of ill will, would it be fair to suppose that they could be all effaced by the signing of this Treaty? Great Britain desired to withdraw from this continent the action, and Canada favoured this impression. There was on the part of the United States a disposition to keep peace, founded, doubtless, on the impression of Great Britain's desire to withdraw from the Continent. He did not believe that peace could be jeopardized by not signing the Treaty.

The Minister of Justice had spoken of intrigues of the Russian Minister, but a great change of feeling had taken place between Russia and America. Russia had been shut out from the west; she was looking eastward and is, at this moment, seeking to obtain the Japanese Islands to gain maritime supremacy in the Pacific. When the United States found Russia approaching her on the east, by trying to get the trade of Japan and China, they found, in resisting the designs of Russia, it was in the interest of America to act in concert with Great Britain, to check the Russian aggressions on the Asiatic coast.

If we looked at the facts we could see three reasons why the United States should wish for an early settlement of the difficulties. They were: fear of Russian aggression; danger of the difficulty between the United States and Great Britain; and experience of the evils of war which they were anxious to avoid. If the headland lines were only drawn across bays six miles wide, what was the use of the words "harbours" and "bays" at all, for the purpose would then have been equally well served by the exclusion of vessels from within a certain distance from the coasts.

He argued that when the Treaty of 1854 was cancelled, that of 1818 remained in force, and that the Minister of Justice put forward for the Americans pretensions which they did not put forward for themselves. He had always been of the opinion that the Treaty ought to have settled the question of the line of limitation, and that question should have been referred to arbitration, like the San Juan question.

He mentioned the Massachusetts, Delaware, and Chesapeake bays, over fifty miles wide, across which the Americans drew a line of limitation, and yet Canadians had not the same privilege. It was utterly impossible for a Commission to decide on the relative value of the Canadian and American fisheries unless it was settled what were the limits of exclusion.

As to the navigation of the St. Lawrence, that matter had been sufficiently dealt with by the member for Durham West (Hon. Mr. Blake). Matters of treaty could never be held to be matters of natural right, and in all cases in Europe in which navigation of rivers had been granted, it had always been on a reciprocal basis; and the Americans had a right to navigate Lake Michigan and all other tributaries of the St. Lawrence.

The Treaty had put the matter in this position, that while the Americans, if they chose to build their own canals, could navigate the St. Lawrence from Chicago to the sea, Canadians had no such power on American territory. While Canada had ceded the navigation of the St. Lawrence, she had failed to obtain the same right with respect to the Columbia River. There was not a doubt that Canada had a right to this, and if the High Commission had failed to deal with the matter there was no reason that the House should do the same. The Commission had shamefully failed to obtain the privilege for Canada, and instead of confirming, had limited her rights.

He referred to the Treaty of St. Petersburg which gave Canada a right to navigate all rivers tributary to her own, and maintained that the transfer of Alaska to the United States could not possibly affect Canada's rights with respect to that country, previous to the transfer.

The member for Lanark North (Hon. Mr. McDougall) had stated that Canada could have no voice under the B.N.A. Act in questions between England and the United States, but he (Mr. Mills) could not admit this. As to the merits of the Fishery articles, he maintained that the expense that would be incurred in preventing frauds of the revenue would be quite as much as had hitherto been experienced in the total exclusion of Americans from Canadian waters. He objected to the introduction by the member for Lanark North of Ontario matters in the Dominion Parliament. That member had claimed to have left his mark on the Statute Book. He was certainly leaving his mark on the Journals, but he believed he was engraving his tombstone.

May 10, 1872

He then referred to the remarks of the Premier as to the attacks that had been made upon him, and as to what he had deemed a power behind the Throne. He maintained that these complaints were unfair and referred to the past course of both gentlemen, and said the Minister of Justice had never carried any great measure which could not have been carried without him. It was very well to boast of having been long on the Treasury Benches, but it was more difficult to boast of having passed any great measures. It was very easy to watch the course of public events and floating with the tide so shape one's policy as to remain long in office, but it was no evidence of great statesmanship.

It being six o'clock the House rose.

### AFTER RECESS

The following Bills were read a second time:

To incorporate the Bank of Hamilton.

To incorporate the Halifax Banking Company.

To incorporate the Exchange Bank of Canada.

To incorporate the Managers of the Minister's Widows and Orphans Fund of the Presbyterian Church of Canada.

To naturalize Anson Green Phelps Dodge.

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### THE TREATY OF WASHINGTON BILL

**Hon. Sir A.T. GALT** then resumed the debate on the Treaty Bill. He said he rose with convictions of the very great gravity, not only of the situation in which the House was placed with reference to the question before it, but also with reference to his own individual responsibility as to the course he would feel it his duty to take and the arguments with which he would support that course.

He did not propose to enter into the general question as to the advantages or disadvantages of the Treaty, for that had been placed before the House with extreme ability by the hon. gentlemen on both sides in a manner which had almost exhausted the subject. The position he preferred to take was rather with reference to the policy which was involved in this question, and the necessity which that policy imposed upon himself and those like him to deal with the question in a certain manner. It might be proper that he should refer slightly to the manner in which Canada had become "mixed up", if he might use the expression, with the Washington Treaty. It had undoubtedly risen entirely from the course we had taken with reference to the fishery question. He did not propose to refer to the origin of that policy following the repeal of the Reciprocity Treaty further than to say that at that time, under consideration from communications that had been received from the Imperial

Government, this country, as is well known, had seen fit to adopt the policy of licences instead of the policy of exclusion.

That policy was unacceptable to the people of this country, but it was adopted with a view to postpone a question of very great difficulty between England and the United States, especially when the feeling in the latter country was exasperated against England on account of the proceedings that had occurred during the war in the South. It was a cause of very great regret, indeed, that the Government had not carried out that policy of licences with the same vigour they had evinced in carrying out the policy of exclusion. He believed that the American Government having become an acquiescing party to the licensing system, it would have been less dangerous to the peace of both countries to have carried out that system vigorously, he might almost say vigorously, rather than to have asserted the extreme rights of the country by enforcing a policy of exclusion.

He had ventured at the time when the change took place—when exclusion was substituted for licence—to offer a warning to the Government and the House that the course they were entering upon was one fraught with great danger. He had then expressed the opinion that it would certainly eventuate in the loss of the headland question, and he had also learned that it would involve us in very serious discussions with the Imperial Government, if not with the United States. These fears had, to a certain extent, proved well founded for the discussions with reference to the Treaty had shown that the insistence by Canada of her extreme rights to the fisheries Bill had caused those rights to be mixed up with the general discussion of Imperial affairs in a manner that had not given satisfaction to the people of this country.

Last year when it was announced that a Commission was to sit at Washington to consider the relations of the two countries and to settle the question between them, and that the Premier of Canada was to be a member of that Commission, he (Hon. Sir A.T. Galt) had ventured to offer certain resolutions to the House affirming what he believed to be the rights and interests of Canada.

In the remarks with which he had introduced those resolutions he had felt it his duty to refer to the correspondence and the interviews that had taken place between Mr. Campbell and Lord Kimberley, and he had stated that in his opinion those documents did not furnish the House with sufficient assurances that the rights of Canada would be the first consideration in the negotiations about to take place.

The Leader of the Government (Hon. Sir John A. Macdonald) thought that the passage of those resolutions would be a cause of embarrassment, fettering him in the discussion at Washington, and his view was also supported by hon. gentlemen on the other side of the House, so that, in fact, he gathered that it was the sense of the House, it would be improper to press those resolutions to a division. He thought that if those resolutions had passed our position would not have altered for the worse, and that the expressions they contained had been fully justified by the result. No doubt could



arise as to the exclusive right of Canada to the fisheries within the three mile limit; and he was sorry the leader of the Government the other night had referred to that matter as one in regard to which the Americans could have had any doubt. (*Hear, hear.*)

He thought it was not worth while for the hon. gentleman to have said a single word upon that point by way of admitting that there was a possibility of a doubt. (*Hear.*) He (Hon. Sir A.T. Galt) did not propose to follow out the arguments as to the advantages or disadvantages of the Treaty, which, as he had said, had been ably argued on both sides of the House. It was hardly worth while that he should do so. He accepted the statement of the Minister of Justice (Hon. Sir John A. Macdonald) that the terms of the Treaty had been unacceptable to him while he was at Washington. It was quite clear then that they had been unacceptable to him up to a very recent period, up to the 20th March last, when the Government had arrived at an understanding with the Imperial Government, and he (Hon. Sir A.T. Galt) thought that fact sufficiently explained why Parliament had not been called earlier together and supplied a reason why the Minister of Justice had maintained silence on the question up to within the past week.

It was quite clear that neither the Canadian Government nor their representative at Washington had liked the conditions of the Treaty or thought they were such as would prove acceptable to the people of Canada, and that up to the 20th January correspondence of which the House had only one or two fragments had undoubtedly passed between them and the Imperial Government. He did not think his hon. friend at the head of the Government was warranted in speaking as strongly as he had done the other night about the advantage of the Treaty to Canada, considering and knowing as the House did that up to a very recent period the views of the Government had been entirely different. The question had suggested itself to his mind: how and what means had produced this change of mind? (*Hear, hear.*)

What had occurred between the 20th January and the meeting of this House that had caused the hon. gentleman to change his views as to the advantages and disadvantages of the Treaty? This change had certainly not been owing to anything in the position England occupied in regard to European politics, because that position had not changed since the Treaty was signed, or if changed at all it had been for the better rather than for the worse. Neither could it have been because of any danger to ourselves because plainly if there was danger it existed as strongly on the 20th January as at any previous time since the Treaty. Nor had any change been caused by any argument addressed to the Canadian Government by Lord Kimberley in the despatch of the 20th June in which the reasons were set forth why the Canadian Government should submit the Treaty for the approval of this House.

Well, he was almost ashamed to mention it, and he was glad to be able to put it in a negative form, that these direct declarations by the three members of the Government who had spoken upon this subject that the change had not been produced because of the guarantee. That statement had been made, and he was glad it had

been distinctly made, because the language in the papers that had been brought down would lead a casual observer to believe that the two questions, indemnity for the Fenian outrages and acceptance of the Treaty, were the result of the guarantee. He would much prefer to take the declaration of the two leading members of the Government, the Minister of Justice and the Minister of Militia (Hon. Sir George-É. Cartier), for whom what he knew of them and of their character as public men he would be loath to believe that they would even consent to sell the just rights of Canada for any paltry money consideration. (*Cheers.*)

He would desire to include all the members of the Government as being equally willing to enter into such a bargain, but he spoke more particularly of those two members because he had long been associated with them in the administration of the country and in Parliament, and he did not wish to believe of them that they would for a moment do anything that would bring a blush to the cheek of every true Canadian. (*Hear, hear.*)

Well, what then had produced the change? His belief was that an explanation must be found by reference to concurrent events; and when he remembered that the difficulty which first appeared to throw the Treaty into doubt—the presentation of the American case to the Geneva tribunal and the feeling it evoked in England—occurred about the time the views of the Canadian Government underwent a change, the 20th January last, he did not doubt that the complication in regard to the consequential damages for the Alabama had a very great deal to do with it. He believed that England at a time felt a strong necessity for having a good understanding with the United States; and he could well understand that correspondence had taken place with Canada in the sense which it would be prejudicial to the public interests to make known.

He could understand too that that correspondence might have induced the Canadian Government to waive her views in regard to the Treaty, and to agree to bring it down for the consideration of the House. Upon that presumption he could understand the position of the Government; for he could not believe that the Minister of Justice, with his acute intellect and quick apprehension of the wishes of the country, would otherwise unwillingly have placed himself in the position of one who accepted a treaty which his government had opposed as unjust to the people of this country. (*Hear, hear.*)

He (Hon. Sir A.T. Galt) would not hesitate to give utterance freely to his thoughts on such a grave question as this, however much those thoughts might run counter to the feelings of a majority of this House. He believed, and he believed firmly, that England had spoken to us more firmly upon this occasion than she had ever spoken before. He believed she had put her language into acts. The acts of withdrawal of the troops, the encouragement of Confederation, the transfer of the North West Territories, and the Union of British Columbia, all pointed to one conclusion only, and that conclusion found expression in the words she had used in reference to this Treaty.

May 10, 1872

He could very well understand that it had been said to this Government "You must adopt the Treaty or Canada must take the responsibility of her own political future herself". He could understand that language like that had been used; and if the Government had shrunk from making this public to the country and had concealed it from the people, the time was not remote when they would be obliged to come to a settlement of the question. (*Hear, hear.*)

The Government had yielded to this language, and he did not wonder that they had yielded. In his view of the question he would have preferred to have accepted the alternative. He would greatly have preferred it, because he thought it would have been better for Canada to have assumed all these responsibilities at once, rather than have our national strength weakened by concessions to the neighbouring country.

The ground on which he objected to this policy of concession was that under it we were giving away privileges which were necessary to our future national and independent existence, sacrificing what were the sovereign rights of a country and thereby depriving ourselves of what might afterwards be found essential to our condition as an independent and self-governing people. (*Hear, hear.*)

In rejecting this view the Government had taken a course which ought to meet the support of his hon. friends on the Opposition Benches; for they were not prepared any more than the Government to say that at any future time this country must act for herself. If the questions were upon the plain merits of the Treaty he would object to these clauses on the same ground that he had taken last year, because he considered that independence was better than annexation. He desired that if the future of this country was not to continue the connection with Great Britain, it should at least be independent of the United States. (*Hear, hear.*)

Now annexation was clearly promoted by everything yielded to them in the rights of this country. It was promoted if we yielded to them by ceding territorial right. (*Hear, hear.*)

If we ceded the right to land upon our coasts for fishing purposes and to navigate our waters, we were yielding to them things which a weak country would never rescue again from the hands of a strong one. (*Hear, hear.*) He was afraid that that would have been the result of the negotiations at Washington, but he thought he would be able to show before he sat down that the evil was not by any means irreparable at present. (*Hear, hear.*)

He could well understand how the Imperial Government, how Englishmen, should view with great anxiety the re-establishment of friendly relations with the United States. From the situation of England's possessions on this continent, it was perfectly clear that she not merely ran a risk, in case of rupture with the United States, or her material interests being seriously endangered, but she incurred the certainty almost of the grievous humiliation of seeing her possessions overrun and occupied by a hostile power. She had

not, therefore, made these concessions without a strong feeling of necessity. They had not been made because of any regard for Canadian interests in themselves, but from strong considerations of Imperial policy. Undoubtedly, the exposed position of her possessions had entered deeply into those considerations; but he denied that upon these alone had the Treaty been framed, because we in Canada, who had most to risk and most to lose by any outbreak between the two powers, had pressed strongly upon the English Government the necessity of not making those concessions to the United States. (*Hear, hear.*)

He believed that we were the cause. He believed that the position we occupied towards the United States rendered us the principal source of weakness to England and therefore he believed that he was acting the true part of a man who desired to be loyal in taking the course he did in endeavouring to relieve her of a cause of weakness and increase her strength. He claimed to be quite as proud of his nation as any gentleman in the House. He had just as proud a recollection of the glorious page of her past history, and he did not desire to see that page defiled in any way.

He did not desire to see that great career of usefulness and example to other nations checked from any disaster by the Mother Country. He believed that the position of England was of the highest importance to the whole world. (*Hear, hear.*) He believed that if we remained what we were, a source of weakness, if it were true that our dangers had obliged England to occupy a humiliating position, then he for one would say that it was unworthy of us as Canadians to force the Mother Country into that position. (*Hear, hear.*)

It was very well for hon. gentlemen to make speeches which called down the plaudits of the House, boasting of their flag and loyalty, but he contended that loyalty was quite as strongly shown in sacrifices as it was in obtaining benefits. He believed that the people of this country were equal to the sacrifice, if it were a sacrifice, that they would rather make it than see the country which they so much respected and revered humiliated, or its position weakened by any demand on their part for protection. He might be wrong. He knew he spoke sentiments which hon. gentlemen would deride. They had done it before with reference to some of the suggestions he had offered. He expected it again, but the future would, he thought, prove that he was not very wrong, as he had been proved to have been not very far wrong before in reference to the circumstances that had led us to the point where we now were. (*Hear, hear.*)

He did not wish to detain the House. He had sufficiently vindicated the position which he thought we were placed in today. He had sufficiently indicated the pressure which he thought had induced the Government to recommend the adoption of the Treaty which they thought objectionable not long ago. (*Hear, hear.*)

He would address himself for a few moments to the question before the House, and to the mode in which we should deal with it. It was clear from what he had said that his view would be that



concession was a thing to be avoided and not to be made, but before presenting his views he would refer to the motion and the amendment before the House.

The motion was for the second reading of the Bill, and the amendment of the member for Durham West (Hon. Mr. Blake) had the effect of declaring that the second reading should not pass. Now, he was quite aware that according to Parliamentary rule the passing of the motion of amendment did not defeat the Bill, but at the same time he was equally aware that the passage of that amendment would bring on a ministerial crisis, and virtually defeat the Bill.

And he was perfectly aware also that if that result were to follow and the Government were defeated, he was certain that from the views offered by the mover of the amendment his course would be not to proceed with the Bill himself; therefore, he thought it was beyond doubt that the success of the motion would ensure a defeat of the Bill. Then the ground upon which the hon. member for Durham West placed his advocacy of his amendment were rather based upon what the Imperial Government should do than upon what we should do.

If the Washington Treaty was objectionable on Canadian grounds, then it ought to be met by a square vote against it—it ought to be rejected. If, on the other hand, it was only intended to indicate to the Imperial Government what they ought to do, then we had no right to pass it. (*Hear, hear.*) Therefore the conclusion at which he arrived was that he must support the Treaty. (*Cheers.*) And he only did so because it was the only course which was open to us at the present juncture. We could not reject this Treaty unless we were prepared to take a further step. There was no time for deliberation. Neither side of the House was prepared for the responsibility if they rejected the Treaty, and therefore he said no other course was left us but to do our best to perform our duties as members of the Empire so long as we were so. (*Cheers.*)

The Treaty was unsatisfactory to him but notwithstanding that he felt he would not be in the performance of his duty if he were to attempt to thwart that which he believed to be essential to Imperial interests. So long as he was a subject of the Empire he would endeavour to do his duty to it; and he firmly believed that it was in the interests of the Empire that peace should be preserved with the United States.

He equally firmly believed that it would endanger that peace if the Treaty were rejected and we were to have the Fishery question once more opened and believing that he would certainly this night vote for the Treaty. (*Cheers.*) The reason why he reconciled his vote for the Treaty now with what he had already said as to the impolicy of ceding our rights would be found in the very last clause of the paper brought down. It was because there was a specific engagement that England would give the notice, and terminate the Fishery Articles of the Treaty at the end of ten years if Canada so desired. (*Hear, hear.*) That reconciled him to the vote he gave tonight and justified him in his own conscience. (*Hear, hear.*)

He said we would be unworthy of the protection we had enjoyed—that had brought us to our present position, he might say, of national greatness—if we were for any small consideration, any consideration short of our own existence in the country, to withhold what England required of us in this respect. (*Hear, hear, and cheers.*) What did we do? We conceded more than what was now required of us in 1854 for commercial advantages. These were considerations of great importance he admitted, but still, in one sense, low considerations; and today we were asked to give only the same thing or less than the same thing and only for the same time.

The fact that there was a time when the question dealt with by this Treaty would be within our own control, that Great Britain could give notice to terminate it, satisfied him that it was our duty to pass the Treaty. He was convinced that the only thing which we could not control which had raised irremediably beyond our reach was the navigation of the St. Lawrence, and much as he valued that, rather in the sense of maintaining our own exclusive right to it, much as he valued it, strictly from an economical point of view, it did not concede much to the United States.

With that exception everything that was proposed to be done would come again before us ten years hence. Before that time arrived, this country would have greatly increased in population and strength, and before that time public opinion would have ripened far beyond what it now was. Before then, the expressions which he had ventured to make use of this night might be the general expressions of the country. If they were not so, then he said it was still more our duty to express our acquiescence in the Treaty, however repugnant it might be to our pride. The wisest thing, therefore, we could do was to subject ourselves to any terms which England might offer, and to remain under her protection, because we would have proved unable to protect ourselves. (*Loud cheers.*)

**Hon. Mr. HOWE** desired to refer to the remarks of the member for Durham West (Hon. Mr. Blake) of which it had been complained that no Minister had replied to them. The hon. member had read too much and invented too little, and he could not help thinking of the wish, “Oh, that my enemy would write a book”. The quotations from the minutes of Council by that hon. member were fervent, loyal and accurate, and were exactly what ought to have been written at the time and under the circumstances, but unfortunately they failed to convince the Imperial Government. He could imagine the hon. member pleading some case before a jury. If he failed to obtain a verdict, what would he do? Why, he would make the best compromise, he could in the interest of his client, and that was what the Government had done. Then the hon. and learned member had complained that lives were not to be lost and property destroyed for a sum of money. What example, however, had the United States set us in this matter.

The Alabama and other cruisers had destroyed her property, lives were lost, and bloodshed, and no higher insult could be offered to a nation; and yet, in view of the horrors of war, they had agreed to take money for the whole. Then again the hon. gentleman had

May 10, 1872

harrowed their feelings, by describing some imaginary widow, bereaved of her son, but supposing that widow to be real, the son could not be brought to life, and if she were in poverty the utmost that could be done would be to make her life as comfortable as if her son had lived.

Then again there was the statement, "How tarnished was our honor". Well, suppose a man had a beautiful helpmate, and some morning he found she had left him for another man. There were only two things to be done: Shoot the man or get damages. Was it not very likely that if the hon. member for Durham West met the injured man, he would say, "Shooting won't help the matter—bring an action, and I will get you substantial damages"?

Then, as to the Fenians, did they not fancy they had been wronged, did they not fancy that they were carrying on a lawful warfare? England had had great trouble with these men, lives had been taken by them, and even the Prince of Wales had been turned out of Dublin, and yet see with what leniency and forbearance England had treated them.

If the English Parliament and Press, instead of the calmness and moderation they had shewn, had been actuated by the sanguinary spirit of gentlemen opposite in the matter of the Alabama question, the two nations would have been involved in war. In the pamphlet he had published some time ago he had termed the Americans aggressive people and "the organ" from which hon. gentlemen opposite took their tone, at once denounced him in the foulest terms, and the hon. member for Lambton (Hon. Mr. Mackenzie) took him to task; and yet in a few days afterwards that hon. member characterised the American policy as singularly aggressive, and the hon. member for Durham West was equally alarming, comparing Canada to Nabath's vineyard, and saying that the Americans were so aggressive they would seize that vineyard. So that those gentlemen need not complain of him, for they had expressed themselves in stronger terms than he had ever used.

Turning to the Treaty itself, he first desired to say that Canada and Canada's Government were in no way to blame for the abrogation of the Reciprocity Treaty. That Treaty was lost partly because of the Alabama and other cruisers. England was certainly wrong in not seizing those cruisers when they re-entered her ports. On the abrogation of the Treaty, England favoured the licence system in connection with the fisheries. It was tried and failed.

Then the Government protected the Fisheries, and he never could understand the opposition of the Maritime Provinces to that protection when it was commenced. However, the Water Police took the field and they were aided by British cruisers; but was there not great danger in this? When this step was taken up came the headland question, the question of the right to trade in our ports, and then there was General Butler

rousing the American fishermen and instigating the American Government to declare war.

Then on the first intimation that reciprocity would be given anew, Mr. Rose was sent to Washington, but his mission failed. Then the Postmaster General went to England to press our policy and views on the English Government, and his visit ultimately resulted in the High Commission. The structure of that Commission had been complained of, but the Canadian Government could have no voice in that. The Hon. Minister of Justice, (Hon. Sir John A. Macdonald) was asked to take a part in that Commission; and if he had shrunk from the responsibility, what would gentleman opposite, what would the Toronto Globe, what would the indignant Grits generally have said? Would there have been a word in the English language sufficiently opprobrious to apply to him?

Those who now blamed him for what he had done would then have blamed him for what he had failed to do. The hon. gentleman and the Government, however, were not so timid, and he went; but how could he go as a Canadian Commissioner? Canada, though a Dominion, was still a colony, and in addition the United States would not have allowed three parties, two of which would be against her.

Then, if the hon. gentleman had declined to go to Washington, the Imperial Government would have acted without him and would have proceeded with their Imperial policy. It was objected that the Minister of Justice ought to be responsible to the Canadian Parliament. Was he not so responsible? Was it not of the power of the House, instead of receiving his speech with approbation, to have received it with averted heads, and to have driven him from office? In every fibre of his frame, and in every flash of his mind, from the moment he went away till the moment he returned, he felt that responsibility.

Since that return, the hon. gentlemen opposite have endeavoured to create suspicion. His hon. friend manfully fought our battle, and looking at the papers it would be seen that the Government fought the battle, and that when there was a chance of making a satisfactory arrangement they seconded and aided the hon. gentleman. But they fought in vain, for the fisheries were reserved to the Canadian Parliament.

As the negotiations went on the particulars were telegraphed to England and then the leader of the Imperial Government assumed the whole responsibility of the Treaty, and the Hon. Minister of Justice might of course have resigned his position, but his responsibility in doing so would have been awful, involving the breaking up of peaceful relations between the two countries.

Suppose he had resigned: Canada would have had both England and the United States against us. When he wrote his pamphlet reciprocity had been denied, the troops were gone



and he saw our independent action would come to an end without the cordial support of England. Up to that moment the London Times had stated that England had ceased to be a western power, and that when she sent a couple of companies of men to Manitoba, that was the last time she would interfere. His pamphlet had changed all that and the Times now said "We are just as zealous for Canada as we ever were", and the Standard reproached the English Government with having given Canada grounds for the fears he (Hon. Mr. Howe) had lawfully expressed.

He maintained that Hon. Sir John A. Macdonald had only acted properly in delaying all explanations until Parliament was assembled and all papers could be brought down, and said that when England in the interests of peace consented to help Canada in the only legitimate way, on account of her just claims, the questions largely changed and the only wise thing was to fall in with Imperial policy and establish peaceful relations with both England and the United States.

The hon. gentlemen opposite claimed to have sustained Government so that a proper arrangement could be secured but their support was not sincere. The Government had been taunted with having no policy, but he denied it. He pointed out the Minister of Finance (Hon. Sir Francis Hincks) as most successful, and spoke of the satisfactory results of the efforts of the Minister of Militia (Hon. Sir George-É. Cartier) which would be evidenced if ever occasion should require. England even took example from the organization of the Canadian Militia.

Then again there was the Minister of Customs (Hon. Mr. Tilley) and the Minister of Inland Revenue (Hon. Mr. Morris); how faithfully had their duties been administered? He spoke of the Minister of Marine (Hon. Senator Mitchell) as the most zealous and painstaking Minister possible and that his efforts would be felt to the advantage of the country for years to come, and spoke of the naval schools being established by him.

The Minister of Public Works (Hon. Mr. Langevin) could be seen labouring from morning to night, and the country throughout was feeling the result of his labours. He also spoke of the Secretary of State (Hon. Senator Aikins) laying out the new country of the North West. They and their party were united to a man, proud of the past and confident in the future.

**Hon. Mr. GRAY** spoke of the observations of the Secretary of State for the Provinces (Hon. Mr. Howe) with regard to the Fenians, as the most unexpected possible. He deemed it his duty to speak of this, and say that the expressions used could not be approved. He was astonished to hear the hon. gentleman defending the Fenians.

**Hon. Mr. HOWE** denied having defended the Fenians. He had merely said that they imagined they were in the right.

**Hon. Mr. GRAY** said after that explanation he should not continue his remarks on that subject. As to the Treaty, he thought it the most important question that had ever been before the House. In whatever capacity the Premier had acted, the result was before the House and could be accepted or rejected, as the House pleased.

Then referring to the use by the member for Durham West (Hon. Mr. Blake) of England's motto, he would ask what right had Canada lost? He must refer to a remark of the member for Bothwell (Mr. Mills) as to the admission of fish and oil into the American markets, free. The fish producing oil could not be found in the waters within the limits of exclusion. It had been said that the action of the House last session on the tariff could have no effect on the Americans, for the matter was settled before the House dealt with it.

He referred to the dates of the votes, and maintained that was not the case, and that the Minister of Justice (Hon. Sir John A. Macdonald) was right in what he had said as to the result of the action of the House. He thought the House should have some intimation from the Premier of what the effect would be on the American Legislation. He would now take the Treaty point by point, speaking first of those that had not been objected to.

First, there was the franking system of goods, which was to extend throughout the whole of both countries. The whole of the coasting trade of the lakes would be secured to Ontario on account of the advantages she would have over the Americans in cheaper labour and cheaper construction. The great productions of the far west would pass down the St. Lawrence, and the Canadian canals, an object which Canada had long desired to attain.

He referred to that part of the Treaty by which the Americans are allowed equal rights with British subjects to the use of the St. Clair Flats Canal, although it had been asserted that the canal was built entirely in the Dominion. If such assertion was correct, the Americans should not have been allowed to build the canal at their own expense without having been informed of that fact, and he considered that they had an equitable right to use it on equal terms with Canada.

The rules as to the duties of neutrals were of the utmost importance to Canada, as the third maritime power in the world. Without them, the commerce of this country would be ruined in case of England being at war with any foreign power. He could not estimate the benefit Canada would derive by means of the peaceful relations which the Treaty of Washington would establish between the two countries. It must be plain to every man of intelligence that twelve or fourteen years of peace would do more to place Canada in a position to maintain her rights than anything else that could possibly be devised. The fact before them must convince them that they had parted with nothing, and that the conclusion necessary for the ratification of the Treaty would be to the advantage of the country at large.

May 10, 1872

If Canada were a separate, independent country, unconnected with England in any way, and maintained her own position, he doubted if any compensation would be adequate for the cession of the fisheries. They must expect to make some sacrifices for the interests of the Empire, and benefit of the connection. The fisheries were invaluable, but rendered doubly so by the market which the Treaty gained. The admission of our territorial rights and compensation for the difference in value between the American and Canadian fisheries should be remembered. He had no objection to the Treaty from the Maritime Provinces; on the contrary, he believed they approved of it.

In order to make it more clearly reciprocal, he thought Canada should be on equal terms with the United States and, although it was against British policy to give bounties, the Canadian Parliament would have the power to adopt that course if it should be found that the United States persisted in doing so.

It had been argued that the Fenian claims constituted no part of the Treaty, and therefore should not be considered in the present debate; but he thought they should look at the question as it now stands, and not as it stood on the 20th January last, or at any other time. The British Government might have thought they were not in a position to press their demand, and offered Canada compensation.

He had observed that the cry of those in the United States as well as in Canada who were opposed to the Treaty was "humiliation". He thought that the term was more indicative of the opposition of party than of the opposition of principle. All knew that such was the case in the United States, and although gentlemen in opposition in the Canadian Parliament said they had risen above the question of party, it was singular that the same language should be used in both countries.

He was of the opinion that any cession in regard to the navigation of the St. Lawrence would be more in sound than in substance. The United States must take the advantage of the Canadian canals to get to the seaboard, and while they could do so they would not make canals on their own side, and in case of war the whole would be in the possession of Canada.

He agreed with the hon. member for Sherbrooke (Hon. Sir A.T. Galt) that they must be prepared to make some sacrifice in order to maintain the connection with Great Britain; but had they made any sacrifice? If there was any complaint it was from Ontario and not from the Maritime Provinces, which were most interested. What they wanted was the coasting trade of the United States and the registration of vessels.

**Mr. MILLS** said that the hon. gentleman had referred to the remarks of the member for Sherbrooke (Hon. Sir A.T. Galt), who took the position that the Government of Great Britain, in giving us the liberty to exercise our judgment as regards the fishery clauses, referred also to the question of connection or separation, and those

who voted rejecting the fishery clauses assumed the responsibility of declaring Canada's independence, and he thought that Government had endorsed that position.

**Hon. Sir JOHN A. MACDONALD:** May I ask how the Government endorsed it?

**Hon. Mr. MACKENZIE:** They cheered.

**Hon. Sir JOHN A. MACDONALD** [vehemently]: That is not the case; the hon. gentleman should speak the truth!

**Hon. Mr. MACKENZIE** said the words used were unparliamentary, and he asked them to be taken down.

**Hon. Sir JOHN A. MACDONALD** [springing to his feet]: Let the words be taken down then.

**The SPEAKER:** He did not say that the hon. gentleman had not spoken truth; but that they should speak truly.

**Hon. Mr. MACKENZIE:** And what is the inference from that?

**Hon. Sir JOHN A. MACDONALD** The hon. gentleman did not hear the cheer himself.

**Hon. Mr. MACKENZIE:** I did.

**Hon. Sir JOHN A. MACDONALD** [passionately]: Then he heard something that was never uttered.

**Hon. Mr. MACKENZIE:** The hon. gentleman need not get into a passion. We are too well used to that.

**Hon. Mr. ANGLIN:** I certainly thought the Government cheered.

**Hon. Sir JOHN A. MACDONALD** [striking his desk with his fist]: Not one single cheer.

**Hon. Mr. GRAY** said he could see nothing in the action of the British Government by word or deed to show that they had any desire to sever the connection; on the contrary, they had promised to defend Canada to the full strength and force of the Empire. It was the highest compliment to Canada, to have inserted in an Imperial Treaty a stipulation that part of it should be left entirely to the action of the Canadian Parliament.

**Hon. Mr. BLAKE:** Was it a substance or a form?

**Hon. Mr. GRAY** replied that it was a substance and no form, and it was within the power of the Canadian Parliament to reject if they should be pleased so to do. He went on to say he had listened to the arguments of hon. gentlemen opposite, but had found in them no sound objections to the Treaty which should cause the House to reject it, and in conclusion he urged hon. members who desired to do real



service on behalf of England, to do that which she now thought necessary for the peace and welfare of the Empire.

**Mr. BODWELL** asked whether it was the intention of the Government to go on with the debate any further tonight.

**Hon. Sir JOHN A. MACDONALD** said that as a number of gentlemen on both sides of the House desired to speak on the subject it would perhaps be better to adjourn the debate and go on with it on Monday, taking the vote on Tuesday. He considered the motion of the hon. member for Durham West (Hon. Mr. Blake) a direct censure on both the Government of Canada and the Imperial Government, and they could not go on with any other business until it was disposed of. He would therefore suggest that they should proceed on Monday, and take the vote on Tuesday.

**Hon. Mr. MACKENZIE** said the hon. gentleman was not right in assuming this motion to be a motion of want of confidence. The House had been invited to pronounce an opinion on the matter, and the hon. member for Durham West (Hon. Mr. Blake) had simply in his motion said what he believed to be the opinion of the people of the country. The proposition therefore to resume the debate on Monday on that ground was not sound. He would suggest that if the debate was continued on Monday the Government should give a portion of their next day for ordinary business.

**Hon. Sir JOHN A. MACDONALD** said there would be no objection to giving Friday for that purpose.

**Mr. BODWELL** then rose to move the adjournment of the debate, when

**Mr. BOWELL** asked the indulgence of the House for a few minutes. He referred to the language used by the hon. member for Sherbrooke (Hon. Sir A.T. Galt) as being of a nature likely to injure the country if allowed to go uncontradicted. That hon. gentleman had stated, in most emphatic language, that England had told the Government that it should accept the Treaty or the alternative, the responsibility of self-government.

Immediately afterward the hon. gentleman had added that he was convinced that the truth had been kept from the people of this country. Coupling that with the language of the hon. member for Lanark North (Hon. Mr. McDougall) in a speech he had made at Hamilton, in which he distinctly stated that in conversation with prominent gentlemen in England they had told him that Canada must prepare for ultimate separation, he could not resist the conclusion that there was something behind the scenes which we had not been made aware of.

He (Mr. Bowell) was prepared to vote against the Treaty on its merits, and would like to do so confident as to the future, because he believed there was something more than a shadow in the right which had been reserved to Canada, of neglecting or accepting it. If, however, the Imperial Government had taken the position indicated by the hon. member for Sherbrooke, he (Mr. Bowell) would be reluctant to accept

the responsibility of voting against it, and he thought the Government should make some declaration which should go to the country, on a point so important.

As for the amendment, it had been dextrously drawn in order to have a fling at the Government; but, as that was its only object and not the defeat of the Treaty, he would vote against it; he desired a direct vote upon the Treaty, and he would take care that an opportunity for such a vote should be given.

**Hon. Sir JOHN A. MACDONALD** in answer to the question of the hon. gentleman, stated at once that Her Majesty's Government had held out no threat (*Hear, hear*), had given no intimation that any consequences of the kind, either of severance of the question between England and Canada or of coolness in their relations, would follow our rejection of the Treaty.

Her Majesty had taken occasion in her speeches from the throne to say that the power was left to Canada, and her Prime Minister and principal adviser had again stated the same thing in his place in Parliament, that the free and unrestricted right was reserved to the people of Canada to deal with the clauses of the Treaty respecting the fishery rights, by way of ratification or rejection as they pleased.

In no respect and in no communication public or private, confidential or otherwise, had there been any intimation that England desired to influence us in any way, except in the fair arguments that had been used in the official despatches. That was the simple and sole communication the Government had to make to the House, as to the desire of Her Majesty's Government on that particular.

He thought it necessary to state this so that no hon. member might be influenced to vote either for or against the ratification by any supposed views of England; but that he should have full liberty to vote as he thought best for the interests of Canada and the Empire. He objected to the Government being held responsible for the remarks or speeches of any hon. member of the House, except a member of the Government; and certainly the position and the relations of the hon. member for Sherbrooke (Hon. Sir A.T. Galt) with the Government were not such as would give any hon. member the right to suppose that he had spoken by the authority or with the sanction of the Government in any way whatever.

He (Hon. Sir John A. Macdonald) had stated in his speech that the House had entire liberty to vote as it pleased, and that statement had not been withdrawn or modified by any expression from himself or his colleagues. The hon. member for Sherbrooke had said that the Government had taken a certain cause against the Treaty, and then, arguing from the change that had occurred, he had adduced an inference that there must have been communications of that kind from the Imperial Government, but it was merely imaginary, having no foundation or basis on fact. (*Hear, hear.*)

He (Hon. Sir John A. Macdonald) denied that either he or his colleague had cheered the declaration of the hon. member for Sherbrooke, as had been asserted by the hon. member for Bothwell

May 10, 1872

(Mr. Mills); but he and his hon. friends had cheered the hon. member for Sherbrooke, whose great talents they all admired, and who, although not with them was still a personal friend, when he had spoken well about maintaining the prestige of England; and he (Hon. Sir John A. Macdonald) had cheered him lustily when the hon. member said he

would vote for the Treaty. There was no sort of cheer from those benches when he expressed the sentiment that we should be severed in any way from England.

The debate was then dropped, and the House adjourned at 11.40.





May 13, 1872

## HOUSE OF COMMONS

Monday, May 13, 1872

The **SPEAKER** took the chair at 3.20

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*Prayers*

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## SMOKING

**Hon. Sir GEORGE-É. CARTIER** complained that somebody had been smoking within the precincts of the House. He had no objection to the habit, although he did not indulge in it; but there was a room devoted to the purpose, and hon. members who wished to smoke should go there. He hoped Mr. Speaker would give his attention to the matter.

**Mr. THOMPSON (Haldimand):** Refer it to the smoking committee. (*Laughter.*)

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## TORONTO SAVINGS BANK

**Mr. HARRISON** introduced an Act respecting the Toronto Savings Bank. Read a first time.

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## DOUBLE RETURNS

**Hon. Mr. CAMERON (Peel)** said the other member who had been returned for the District of Marquette, Province of Manitoba, (Mr. McKay,) was present in the House, and he therefore moved that the standing orders with regard to double returns be read.

*Resolved,* That if anything shall come in question touching the Return or Election of any Member, he is to withdraw during the time the matter is in Debate; and all Members returned upon double Returns are to withdraw until their Returns are determined.

The motion was carried, and the rule being read by the Clerk, Mr. McKay retired.

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## THE TREATY OF WASHINGTON

**Hon Mr. MACKENZIE** asked the Government if they had any intelligence to communicate to the House with regard to the

negotiations respecting the Treaty of Washington. They all knew that discussions had taken place with regard to the Treaty, and that these discussions had disturbed the course of the negotiations, and within the last few hours they had learned that an entirely different arrangement had been proposed to the terms provided in the Treaty. It had occurred to him, therefore, that the Government might be disposed to make some statement to the House concerning these renewed negotiations, and the changed aspect in which the House and country stood in consequence of those negotiations.

**Hon. Sir JOHN A. MACDONALD** said the Government had no communication as having been received from any official source whatever. He had received a telegram from a private friend saying there was a good prospect of an arrangement, and that explanations would be made in the House of Commons to-day, and the only other information he had received was contained in the ordinary midday despatch to the newspapers, an advance copy of which he had received, and which he would read to the House.

He then read despatches from London and New York of to-day's date respecting the latest phase of the negotiations, (these despatches being the same as have been transmitted to *The Mail* to-day by the Associated Press).

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## THE TREATY OF WASHINGTON BILL

The first order of the day being called for the second reading of the Bill to carry out the Treaty of Washington,

**Mr. BODWELL** resumed the debate. He attacked the Secretary of State for the Provinces (Hon. Mr. Howe) for having discussed this question in a profane and vulgar manner. He (Hon. Mr. Howe) in alluding to the Fenian claims, had taken the ground that a full recompense for our outraged feelings, as well as for the damages sustained, could be made with money, and to sustain that position he had said that the United States were willing to accept money payment for their outraged feelings in connection with the depredations of the Alabama. He (Mr. Bodwell) contended that this was not fairly setting the case, as the United States had, in the first instance, required an expression of regret or an apology from Great Britain; and he ventured to say that, if such regret had not been expressed on the part of Great Britain, no treaty would have been made. The leader of the Government had said that only those who were disloyal would oppose the Treaty; but he would find that those who were in favour of annexation to a man would support the Treaty, as they believed that its adoption would be another step in the direction of annexation. He (Mr. Bodwell) also attacked the member for Lanark North (Hon. Mr. McDougall) for referring to



the local politics of Ontario. He (Hon. Mr. McDougall) had said, as if for the purpose of ingratiating himself with the hon. gentlemen opposite, that he had advocated the Treaty in a speech in Western Canada last year; but he (Mr. Bodwell) believed that he had not discussed the question at all. The Government had got rid of the hon. gentleman, and, when he found that his old friends did not want him, he was trying to make friends with them again.

He (Mr. Bodwell) disagreed with the arguments used in favour of the treaty. It had been said that the Minister of Justice (Hon. Sir John A. Macdonald) was an Imperial Commissioner, and not a Canadian Commissioner; but he thought the correspondence would show that he was appointed to represent Canada, and his own speech of last session, to which he (Mr. Bodwell) referred, led to this conclusion. He felt satisfied that the House thought the hon. gentleman was acting for Canada, or they would not have conceded the withdrawal of the resolutions of the hon. member for Sherbrooke (Hon. Sir A.T. Galt). The hon. gentleman had said that no territorial rights would be sacrificed without a submission to the people. It had been shown that we had interests and rights to navigate the St. Lawrence, and which were peculiarly our own, yet these rights had been given away without our consent. As to the fisheries, we had the option of ratifying or not as we pleased, but we were told that if they were not ratified war would follow, and we should be considered disloyal. In accepting a money payment for the Fenian claims the Government had accepted a bribe for the passing of the Treaty. He desired more liberal commercial relations with the United States. The House had been told that the fisheries and the navigation of the St. Lawrence were levers to produce reciprocity; but we had given up all these without any adequate returns. Nothing in fact had been gained except the navigation of some out of the way rivers in Alaska. He objected that we could not act in this matter without being threatened with war and separation from the Mother Country, and deprecated the expressions of hon. gentlemen to that effect. The Treaty was a step in the direction of annexation, and as such highly unacceptable to the people of this country.

He urged this point at some further length, and concluded by moving the following amendment, seconded by the **Hon. Mr. ANGLIN**,

That the words "before proceeding further upon the said Bill, this House feels bound to declare that while Her Majesty's loyal subjects, the people of Canada, will at all times cheerfully make any reasonable sacrifice in the interests of the Empire, we have just ground for the great dissatisfaction prevailing throughout the country at the mode in which our rights have been dealt with in the negotiations resulting in the Treaty of Washington, and at the subsequent proposal of our Government that England should endorse a Canadian loan as a price for our adoption of the Treaty and for our abandonment of the claims in respect of the Fenian Raids, which affect, not merely our purse, but also our honor and our peace," be left out, and the words "having regard

to the existing differences between the United States and Great Britain concerning the proceedings necessary to give effect to the Treaty of Washington, it is inexpedient to proceed further at this time upon the said Bill" inserted instead thereof.

**Hon. Sir JOHN A. MACDONALD** said the hon. gentleman who moved this resolution had of course a right to do so; and, as he was a member of the Opposition so ably led in the House by the hon. members for Lambton (Hon. Mr. Mackenzie) and Durham West. (Hon. Mr. Blake) it was not to be supposed and believed that he was taking a course opposed to the wishes of those hon. gentlemen. (*Hear, hear.*) It was rather to be supposed and believed that this amendment was moved with their concurrence and sanction. (*Hear, hear.*) If that was so, then the Government must conclude that the Opposition had taken wit in their anger. (*Cheers*) and that, although the hon. member for Durham West had proposed a vote of want of confidence yesterday, he was afraid of it to-day, and therefore got the hon. member for Oxford South (Mr. Bodwell) to move this resolution. (*Cheers.*) Now the question became an interesting one, was the resolution which had been moved by the member for Durham West to be pressed or not? If it was to be pressed, then, as a matter of fairness to the Government a Grit vote of the House ought to be taken upon it; such an idea as an hon. gentleman moving a vote of want of confidence, and then getting another on the same side of the House to move an amendment, had never been heard of in parliamentary proceedings. It did not show a spirit of fair play. It was simply juggling, and ought not to be done or tolerated by the House. (*Cheers.*) He (Hon. Sir John A. Macdonald) could understand if an hon. member opposed to the motion of the hon. member for Durham West did such a thing as this, but he could not understand it otherwise, except upon the presumption that the Opposition were now afraid of the motion of the hon. member for Durham West and were trying to get rid of it in this way. (*Hear, hear.*) He (Hon. Sir John A. Macdonald) thought that in fairness to the House and the Government, they ought to be told whether the hon. member for Durham West would press his amendment or support this motion in amendment to his own; and also whether the hon. member for Lambton would support a motion which was in effect a supercession of the resolution offered by his colleague, the hon. member for Durham West. If that was the case, if they did support this amendment, it would show that they were afraid of their own motion, and that they were committing something which it would not perhaps be Parliamentary to characterize in the language it deserved. (*Cheers.*) It might be, however, that the hon. member for Oxford South had taken the bit in his teeth, that he did not care what he moved, and that he had made up his mind to oppose the Treaty on his own account. It might be, too, that he thought the motion of the hon. member for Durham West did not meet the case, and that it was in his power to offer a better one. (*Hear, hear, and laughter.*) Whatever was the cause the House ought, in all fairness, to have an explanation of a proceeding which was unparliamentary, extraordinary, and very funny. (*Cheers.*)

May 13, 1872

**Hon. Mr. MACKENZIE** said the hon. gentleman might set his mind at rest, for the amendment of the hon. member for Durham West (Hon. Mr. Blake) would be pressed; it would be voted upon; and every hon. member would have an opportunity of expressing his opinion upon it by voting. (*Hear, hear.*) It was not, however, unparliamentary, as the hon. gentleman had said, for an amendment to be moved to a motion by an hon. member on the same side of the House, and the hon. gentleman could call to mind no doubt when the same thing had been done on his side of the House. Since the amendment of the hon. member for Durham West had been moved, the House had learned from the hon. gentleman himself that circumstances had arisen which did not exist at the time when that amendment had been proposed, and the hon. gentleman need not try to hold a whip over the heads of his followers in order to deter by threat those of them who were disposed to support that amendment. (*Hear, hear.*)

He (Hon. Mr. Mackenzie) did not look upon that amendment to the motion for the second reading of the bill as simply and purely a motion of want of confidence. To be sure hon. gentlemen on his side of the House had no confidence, and did not pretend to have any in the Government, but in proposing his amendment, the hon. member for West Durham had no wish to express want of confidence. The Opposition only desired to express an opinion upon a question which was above all the interests of party, because it deeply affected the future relations and condition of this country as a dependency of Great Britain. (*Hear, hear.*) It was in that sense that the amendment had been moved, and not as the hon. gentleman had said, to express want of confidence in his Government. Although if it had that effect, it would be none the less acceptable to him (Hon. Mr. Mackenzie) on that account.

**Hon. Sir JOHN A. MACDONALD:** The hon. gentleman had said that the motion of the hon. member for Durham West was not purely and simply a vote of want of confidence. The motion did not say that in so many words, but it was a vote of censure, and a vote of censure, as everybody knew, was the same as a vote of want of confidence. The amendment, in fact, was in the strongest sense a vote of want of confidence, and as such it ought to be pressed. The hon. gentleman had said that it was to be pressed and voted upon by the House. Well, how did he know that? (*Hear, hear.*) How could he tell it was to be voted upon, unless he and his supporters had made up their minds to vote against the amendment of the hon. member for Oxford South? He could not know otherwise but that the latter amendment would prevail, and then how could there be a vote upon the amendment of the hon. member for Durham West? (*Cheers.*) The hon. gentleman had said that, since that amendment, new circumstances had arisen, and that the motion of the hon. member for Oxford South was intended to meet the change that had occurred. Now he (Hon. Sir John A. Macdonald) would ask the hon. member for Oxford South if, at the time he moved the adjournment of the debate on Friday

last he did not have his amendment all ready prepared? (*Cheers.*) Was it not then written and ready to be proposed, although the hon. member for Lambton (Hon. Mr. Mackenzie) said it was drawn with a view to meeting the change that had since occurred in the circumstances connected with the Treaty? (*Cheers.*)

**Hon. Mr. MACKENZIE** said the hon. gentleman had no right to misconstrue what he (Hon. Mr. Mackenzie) had stated. He had said that, since the amendment of the hon. member for Durham West had been moved, circumstances had changed. He did not say that this motion was to meet the change, although he was well aware that it had occurred, for he had the information in his desk and it did not require the hon. gentleman to read the despatches in order to make him aware of it.

**Hon. Sir JOHN A. MACDONALD:** Why did you ask for information then? (*Hear, hear.*)

**Hon. Mr. MACKENZIE** said he had asked because it was possible the Government might have received information confirmatory of what he had known before; (*Oh! oh!*) so he (Hon. Mr. Mackenzie) was not caught this time yet. (*Laughter.*)

**Hon. Sir FRANCIS HINCKS** said it was not without some reluctance that he, as a member for the Province of Ontario, rose to continue the debate, because he really thought that, so far, the members from that Province had monopolized the discussion; nor had he risen because he concurred with a remark of the hon. gentleman who had preceded him, that it was the duty of every hon. member to speak upon this subject. He was desirous, however, of placing before the House and the country the views he entertained, and which he believed the Government entertained, upon this important question. There were three points to which he would address himself, these being,—first, as to whom the parties were who were responsible for this Treaty; in the second place, he proposed to discuss the merits of the treaty itself; and finally, he proposed to consider what was the duty of the House in regard to it, whether it should determine that the Treaty had merits or demerits.

With regard to the first point, the responsibility of the treaty, he contended that, throughout all the discussions in the Imperial Parliament, there had been no question whatsoever. It was a thing quite unheard of to make two distinct parties responsible for the same act, which could only have been performed by one of them. It was perfectly unheard of in all diplomatic relations, that parties who derived their power from, and were responsible to, a Colonial Legislature, should be placed in a position to dictate or exercise any control over a Treaty negotiated by Commissioners acting under instructions



from Her Majesty's Secretary of State. Upon this point he would refer very briefly to the opinions of two distinguished noblemen who had taken part in an important debate in the House of Lords upon this Treaty; the first was the Earl of Derby, who had said:

"I now pass to the larger question of the Treaty itself, and I wish to say that I look on it as the Treaty of the Government and of the Government exclusively. I join in all that has been said in praise of the gentlemen who undertook, at the request of the noble Earl and the Cabinet, that arduous public duty; but, under all the circumstances, bound as they were by their instructions, I passed over the parties who were engaged in negotiating the Treaty, and fix the responsibility exclusively on those who advised them."

Again, Lord Cairns, formerly Lord High Chancellor of England:—

"In the observation which I make upon this document, I would speak of the Treaty as one having been entered into by the Government."

This is a Treaty which, in form, was negotiated through the medium of Commissioners. So far as the British Commissioners were concerned, we have the clearest evidence, from these protocols, that every clause of that Treaty was communicated to the Government at home, and by them assented to. (*Hear, hear.*) It is, therefore, a Treaty upon which the Government did not merely give a final approval, but for the daily composition of which they were virtually responsible. Now, was the House to disregard the statements, and hold the first Minister of Canada responsible in the absence of all arguments to support such a pretension; for there really had been no argument; and the doctrines which had been laid down by the hon. member for Durham West (Hon. Mr. Blake) would have been laughed to scorn, if they had been set forth in the Imperial Parliament. (*Hear, hear.*)

The speech of the hon. gentleman was the ingenious argument of a lawyer to bolster up a bad cause. He had attempted to found some sort of argument upon a minute of Council, in which it was suggested that a commission should be appointed, composed of one Commissioner from England, one from the United States, and one from Canada. That was a proposition that had certainly come from Canada; but he (Hon. Sir Francis Hincks) hesitated not to say that that the commission therein suggested was of a totally different character from the joint High Commission which sat at Washington. It had never been contemplated that this commission should have such extensive powers as the Washington Commission.

The idea of a mixed commission originated in 1866 with Mr. Adams, who was then Minister from the United States, in England. In that proposition, which had been adhered to throughout from beginning to end, it was never contemplated to give the commission any power except to make suggestions for the approval of the

Governments of England and the United States. In point of fact the main object of the commission was to try and define the headlands by laying the line down upon the charts. The commissioners were not to negotiate a new treaty; they were to interpret the then existing treaty—the treaty of 1866—and they were to endeavour to lay down the limits beyond which the American fishermen might not go. After performing this duty they were to submit their recommendations to the respective Governments of Great Britain and the United States. The latter part of the minute of council, which he questioned very much whether the hon. member for Durham West had read, showed what the idea of those who proposed the Commission was. It showed clearly that, in case of disputes, there was some third party, some impartial arbiter, to whom the question was to be referred for discussion. It was therefore quite clear that the Commission then proposed was of a totally different character from that which sat at Washington. (*Hear, hear.*)

On a previous occasion he had stated that the First Minister could not, as a man of honour, have acted on the Commission entertaining the views which hon. gentlemen opposite entertained. It would then have been his duty to have told the Secretary of State that he intended to act on his responsibility, and that if he happened to differ from the views of the English Commissioners he should resign. If he had made such a stipulation, England would never have appointed him. But even assuming that England might have assented to his occupying such a position, it would have been her duty to have advised the United States Government on the subject; and if such had been done the United States Government would at once have broken off the negotiations. The way to look at the question was to consider what the member for Durham West would have done in the circumstances. Would he have taken a place on the Commission deceiving the Government which had done him the honour to appoint him, taking a part in the negotiations, and then, at the last moment, declaring that he would not sign the Treaty? The hon. member had well stated that there was one case in which the First Minister would have been justified in refusing to agree to the Treaty, namely, if the articles relating to Canada had not been left to the discussion of the Parliament.

As to the navigation of the St. Lawrence, he did not intend to speak at length on that point, as one of his colleagues intended to address himself to that subject; but he must say that the arguments of the opposition on this question were perfectly futile. No member could say that it was any injury to Canada to cede the navigation up to Montreal. Was the river not open to the flags of the whole world? It was said, constantly, that in the negotiations everything was conceded to the United States. The same charge had been made in the House of Lords of England; but the Opposition there, as could be seen from the speeches of Lords Derby, Cairns and Salisbury, had treated the matter in a very different way from the opposition here. They had not entered into the matter in a spirit hostile to the interests of the nation; but, condemning the treaty where they considered it open to condemnation, they offered no factious opposition. He referred to a speech of Lord de Grey, stating that the

May 13, 1872

English Commissioners had fought the question of reciprocity as long as it was possible to do so.

With reference to the complaint of the member for Durham West, attacking first the protocol and then the remarks of the First Minister, he did not know what to believe. He quoted from a speech of Lord Granville in reply to Earl Russell, stating that at the first meeting the Commissioners decided to keep their deliberations secret, and that there was no doubt of the wisdom of that course; also that the conditions laid down by the Americans were in perfect good faith. To some the English Commissioners at once declined to accede; others were referred to the Imperial Government, and the decisions or counter propositions made by the English Government were received and considered by the Americans frankly and fairly. It was not correct, therefore, to assert that everything had been conceded, and that no efforts were made to carry out the views of Canada.

With regard to the merits of the Treaty, it was not, of course, altogether acceptable to Canada; but they were left to deal with it as they thought fit, and if it were necessary to confirm what had been previously stated by the First Minister in reply to the member for Hastings North (Mr. Howell), he could say most unhesitatingly that no pressure of any kind had been brought to bear on the Government from England; but that all the advice that had been tendered had come from the very best friends of British connection in England. A great deal had been said about the cession of territorial rights, and the compromise of honour; as to the latter, however, there was not a gentleman opposite who would not be prepared to concede everything if they could get a little more. If it was a question of honour only, what difference was there between the cession of territorial rights to us by the United States and ours to them? The moment the dispatch was received suggesting the idea of a money payment for the fisheries, the Government at once pressed their opinion that settlement should be made on that basis.

Admitting that the Treaty had great defects, what had been the duty of the Government, and what was the duty of the House? For the same reasons that influenced the Government should have the same influence with the House. He would have been glad if the fishery articles had been excluded, and if, when the Imperial Government had the opportunity, they had decided to withdraw from all further negotiations respecting the fisheries. But the circumstances were materially changed when the Imperial Government took the responsibility of confirming the Treaty. It was certainly not a little surprising that the most violent opposition against the Treaty proceeded from those least interested in it.

He read an extract from a speech of Lord Derby to the effect that the Imperial Government had acted fairly in giving Canada the power to veto the questions which concerned her, and expressing the hope that no pressure would be brought to bear on her. The speech then went on to say that the weak point of the Confederation was that it was composed of separate local legislatures, and as the Maritime Provinces were in the minority, they were at the mercy of

the other portions of the Dominion in all questions where the local interests differed; and the speaker expressed the opinion that in the Treaty it would be found that, while Ontario and Quebec would readily accept it having a good bargain, the main opposition would arise from the Maritime Provinces.

Hon. Sir Francis Hincks continued that, considering the enlightened views entertained on the subject by the members for Hochelaga (Hon. Mr. Dorion), and Châteauguay (Hon. Mr. Holton) there was little doubt that the Treaty was viewed favourably by Quebec. But little did Earl Derby imagine the howl that would proceed from the Grits of Ontario under the influence of the dictation of the *Globe* newspaper, which was so powerful that hon. gentlemen opposite dared not disobey it. He would not have referred to this matter again but that the hon. members for Lambton (Hon. Mr. Mackenzie) and Durham West (Hon. Mr. Blake) had stated that they had declared their views in anticipation of the newspaper. Let any one take up the files of the *Globe*, and they would see how violently the Treaty was denounced, and how these hon. gentlemen had followed suit, and obeyed instructions received from their master.

**Hon. Mr. MACKENZIE:** You followed suit on 28th July.

**Hon. Sir FRANCIS HINCKS** said the remark just reminded him of something he desired to say. It had been stated more than once from the other side of the House that the Government had followed suit in their despatch of July 28th. He read an extract from that despatch, stating that the Treaty of 1854 had met with the approbation of Canada; whereas the fishery articles of the present Treaty were adopted against the advice of the Canadian Government. How could it be said that the Government followed suit, when they so distinctly protested? However, the Imperial Government agreed to the Treaty, for if they had then refused to perform their part, how awkward would have been their position towards both England and the United States. The arrangement was considered by all parties in England to be a fair and reasonable one; and, as had been truly said by the First Minister (Hon. Sir John A. Macdonald), if Canada had to make a sacrifice had not England to do so also, and if Canada refused to ratify the Treaty she would be placed in a very disagreeable position towards England. It must be borne in mind that, before the negotiation, the matter of the protection of the fisheries was in a very unsatisfactory position, and that for some years previously difficulties had arisen as to the amount of protection necessary, while constant danger was to be apprehended pressure was exercised on the Canadian from collisions with American fishermen.

He then read an extract from a speech of Lord Carnarvon, who, he held, was pre-eminent among the members of the House of Lords, a warm friend of the connection between England and the Colonies. The speech was to the effect that the Treaty was a bargain for England, as she had conceded more than she would have done to any other country than the United States. Looking at the question, however, from a Canadian point of view, he (Lord



Carnarvon) stated that, though Canada might consider she had not received all the justice to which she was entitled, yet she must remember that the question was essentially an Imperial one, and Canada, as an integral portion of the Empire, would be ready as such to do her duty, and even to make a sacrifice if necessary; adding that, while the Treaty might press hardly the Maritime Provinces, he had confidence in Nova Scotia and New Brunswick that they would accept the sacrifice cheerfully, for while national feeling had ebbed very much in England, he believed it to be very high in Canada; and he trusted that Canada, with a wise exercise of her liberty, would not withhold her consent, as the measures were not to be judged by their immediate effect, but would be found to result in great advantages at some future day. He had no apprehensions as to the future if questions were considered by a united Empire, and in a spirit of moderation, good sense and kindly feeling on all sides, and his only fear for the result was in the possibility of Canada and England meeting the difficulties singly and apart from each other. He (Hon. Sir Francis Hincks) was sorry to hear the remarks of the hon. Member for Sherbrooke (Hon. Sir A.T. Galt) the other night, although he was gratified at the conclusion he had arrived at,—to support the Treaty. But he owned he could not understand how he had arrived at that conclusion, and he referred to it because he did not desire that the speech of that hon. gentleman should be considered in any way as representing the views of the Government. He (Hon. Sir A.T. Galt) had concluded that, as we were a source of weakness, we ought to make the sacrifice. He (Hon. Sir Francis Hincks) contended that we had not been called upon to make a sacrifice. He denied that public opinion in England was in favour of separation. The wisest and best statesmen in England and the masses of people were in favour of colonial connection. (*Hear, hear.*)

**Hon. Mr. MACKENZIE:** That is not what the Secretary of State for the Provinces says.

**Hon. Sir FRANCIS HINCKS:** He (Hon. Mr. Howe) had referred to the authorities that had induced him to state what he did; and even if it were true that he held these opinions—and he differed from him (Hon. Sir Francis Hincks) on that point—the hon. gentlemen opposite were quite welcome to the fact that they did so differ. He firmly believed that the feeling in favour of severing the connection did not exist in England to any extent.

He would make one or two further remarks with reference to the Fenian claims. He contended that we had a right to expect reparation from England, after she had failed to procure it for us from the United States, although his hon. friend, the Minister of Justice, had differed from him. He had contended that the correspondence leading to the formation of the Commission fairly included the Fenian claims as one of the subjects to be dealt with. The Minister of Justice (Hon. Sir John A. Macdonald) had, however, thought that there was some doubt, and that there was something to be said on the American side of the question, and, in consequence of that, England had assumed the responsibility of them, although in a very guarded manner. They had never said that

they were prepared to pay all those claims. He felt certain that nothing would have been more prejudicial to us than to have entered into a negotiation with England to get a sum of money in compensation for those Fenian claims. We would have been bound, of course, to use every exertion to get the largest possible amount; and he had no doubt that he could have made out a large bill. He was certain that no statement which should have been made out would have been assented to by England. We should then have got into a controversy, and should have been obliged to come down to the House, having made a large claim which could not be recognized. He, therefore, thought that, in endeavouring to get compensation in another way more advantageous to Canada, a very wise and judicious course had been adopted.

**Hon. Mr. CAMERON (Peel)** desired to say a few words in reference to the remarks of the Secretary of State for the Provinces (Hon. Mr. Howe) with regard to his hon. friend the member for Durham West (Hon. Mr. Blake) the other night. He wished to do so because he did not concur in those remarks. He did not think it judicious on the part of any member of the House, and especially of one holding the office of a Minister of the Crown, to endeavour to draw illustrations from the profession or occupation of any gentleman who happened to hold a seat on the floor of that House; and as a member of the same profession as his hon. friend from Durham West, he thought the remarks should not have been made.

While he (Hon. Mr. Cameron) was an humble supporter of the Government, he did not desire to be a supporter of statements of that character, and he thought it due to the hon. gentleman to give his own expression of opinion in reference to a matter of that kind. With regard to the Treaty itself, before entering into discussion on its various points, he might be allowed to say a few words about one upon whom the eyes of all Canada were fixed, in whom all Canada had the greatest possible interest, and in whom, he ventured to say, the greatest part of Canada had the most implicit faith and reliance. He referred to the gentleman who was entrusted, not only as a negotiator but as the representative of the Empire, and of Canada, as a part of it; he whom every one had been accustomed to see, and whom he (Hon. Mr. Cameron) had been permitted to follow, as his leader, for so many years. Probably there was no member of the House more entitled to speak of that gentleman than he. They had been friends for more than half the term allotted to man; they had been at school together, and had been in the Government of Canada in the freshness of their youth, more than a quarter of a century ago; and from that year to this, although their positions had been very different, he had been always his political follower, and had endeavoured always to be his faithful friend, and he believed there were very few among those who had been his friends, followers and supporters during that long period of years who were not his friends and supporters now. There could hardly be a higher compliment paid to any man than that he could have held the position he had held during the many years past; and he felt compelled to say it because vituperations had been poured upon him, because heartless attacks had been made upon his character and honour, because they ought to remind themselves of his

May 13, 1872

services and of his worth to the country. They all knew, every one of them, and he (Hon. Mr. Cameron) recollected well, the time when he first came so prominently to the front. They all might have looked through their own party, in and out of politics, and could not have found a single man his superior, and in the Opposition party they could not find a man his superior nor his equal. During all those years he had carried out those measures which he considered were for the good of the country. In many he (Hon. Mr. Cameron) did not concur, but in many had agreed; and of all men competent to deal with the affairs of this country, he had always considered that there was no one so competent as he, Hon. Sir John A. Macdonald.

He (Hon. Mr. Cameron) had seen his skill and ability at all times and under all circumstances, and there was no one among them who had not had an opportunity over and over again of judging of it. He would ask them to recollect how, when circumstances had withdrawn him, when debates and discussions were going on, they had felt that the cards were jangled and out of tune, and when he returned again how his master hand evoked a harmony that no other hand was able to produce. They had all known it. They had seen him in his position there, using his talents and great ability for the benefit of the country. Had he turned those talents and that ability to his profession, he would have won both wealth and fame. He had been engaged in measures for commercial and railway enterprise, for trading companies, and for great landed and other corporations; and while he had been charged as the means of corrupting others, no man had ever said that he (Hon. Sir John A. Macdonald) had corrupted himself; no whisper, no insinuation, no hint of personal gain ever went forth against him. While other political men were making their fortunes, no one ever felt otherwise than that that man was poor, because he never allowed his political or parliamentary influence to be used in order that he might in the slightest degree make capital of his position. Did not they all feel that one reason why his learned friends opposite had raged so furiously against him, had been because of what his hon. friend from Lambton had said the other night that his (Hon. Sir John A. Macdonald) path was marked by the graves of dead politicians.

He (the member for Lambton) had boasted of the purity of Reform principles, and of the strength and power of Reformers; and yet he had seen their foremost men, one by one—even the great Anak himself—become the willing captives of his bow and spear, and march to their political death under the eye of their conqueror; while he contended that what they termed “political death” was really political regeneration. (*Laughter and cheers.*) That was their position; and their position with regard to his hon. friend had been not merely with reference to that, but it had been in reference to all that he had been to all of them. He had always been generous and easy of access, ever mingling courtesy with kindness. No man ever had more devoted friends and followers. He had grappled them to his heart with hooks of steel, and had left them there. Over and over again he had carried them forward with him to victory, and he believed that now as ever his latest and crowning victory would be the response which the Parliament of Canada would make to the

appeal that they should ratify the Treaty. His party were indignant that the charge of treason and the name of “Judas” should be used against him. Notwithstanding the taunts and the violence of the Opposition—notwithstanding the accusations they made—they would find that, in the opinions not only of a large majority of the members of the House but of an equally large majority of the people of the country, there was no man under whose banner they would more gladly advance, either to victory or defeat, than that of the hon. member who led them. He felt that these observations were due to his friends, that none of his colleagues would like to speak of him in reference to these matters as he (Hon. Mr. Cameron) had done.

It being six o'clock the House rose.

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## AFTER RECESS

**Hon. Mr. CAMERON (Peel)** resumed his speech, saying that the points connected with the Treaty which did not refer in any way whatever to the clauses reserved for the consideration of this Parliament, were the navigation of the St. Lawrence and the Fenian invasion. He did not propose to ignore either one or other of these points; but, as far as the House was called upon to vote or act, the measure was simply in reference to those articles of the Treaty which could not go into operation until ratified by the Canadian Legislature. Now, at the root of the matter lay the question as to the power given to the gentlemen on the Commission—whether it was solely Imperial, or partly Imperial and partly Canadian. No one who examined into International law, or who endeavoured to ascertain the principles upon which all diplomacy rested, could hesitate to acknowledge that in the negotiation of treaties there could be no imperio in imperium; that there could be no branching out from the Imperial Government of the Colonial relation; that there could be no statement of the Colonial relation without the consent of the other contracting party; because, if there were, there would be two contracting parties, as regarded one portion of the treaty, and only one contracting party as regarded the other portion. He thought the argument was perfectly clear that the Commissioners could only act upon the instruction of the Imperial Government, even if their powers were of the most plenary character.

It was also clear that, no matter what might have once been the doubt upon the subject, a treaty was not binding upon the countries negotiating it until it was ratified. There never was a case before like this. The whole of history might be searched, and no case could be found in which there was a Colonial representative on an Imperial commission, that representative being a Minister of the Crown in a Colony where rights were claimed irrespective of the Imperial power. From the earliest history of diplomacy the only instance at all approaching it, that was in any respect similar, was the Ashburton Treaty, in 1842, when the States of Maine and Massachusetts claimed that the absolute proprietary rights of one, and parts of the sovereign rights of the other, could not be alienated



without their consent. But the Secretary of State had not sent independent Commissioners to negotiate a treaty, nor did they claim to do so. All they claimed was that by the fundamental law of the United States no portion of the territory of any State in the Union could be taken away without the consent of that State; and, that whatever Great Britain and the United States might agree to, could not be finally consummated without their consent.

The rule was perfectly clear that Commissions appointed to negotiate a Treaty were exactly on the footing of plenipotentiaries. They were bound to act on instructions, and if they disregarded them they were liable to have their acts repudiated and themselves disgraced. Upon this point he read from Le Martens to the effect that a plenipotentiary was only an agent of the Government he represented; that he could neither direct, nor act, nor agree upon anything without the authority of his Government; and that if he did his Government was at liberty to repudiate his acts, even although he had full power. The same writer, one of the best upon diplomacy, whose every word was entitled to consideration, and whose reputation was not only European but world-wide, referred also to the position of diplomatic agents. He (Hon. Mr. Cameron) read from the original French, amid applause from the Quebec members, to the effect that no agent appointed by a Government had a right to refuse to act after he had accepted his commission, unless the Government refused to give him instructions in a case in which he did not see his way clearly, or unless the Government gave him instructions to act contrary to his honour and patriotism. It had been said that the First Minister might have withdrawn from the Commission; but under the authority he had quoted the only ground he could have taken as an agent of the Imperial Government, was to have attached his signature to the Treaty, if he had done so as instructed. Then if his instructions required him to act contrary to the feelings of his country, he was bound to resign his position as a minister. Unless therefore, his hon. friend the member for Durham West (Hon. Mr. Blake) could show that the First Minister had sacrificed his honour and patriotism he could not be regarded as having the power to withdraw from the Commission. (*Hear, hear.*)

This was the first case where a Minister of the Crown in a colony had been asked or required to deal with Imperial interests. It was true that at the time of the Revolutionary war Henry Oswald, a gentleman engaged in the Canadian trade, had been appointed a plenipotentiary to negotiate terms of peace; but Mr. Oswald was not a colonist in the ordinary sense of terms; nor was he a member of the Colonial Government. There being no case exactly like this, the general principles of international law, which guided diplomacy, must apply. If anything more were required, it would be found in the action of the House itself. On both sides of the House last session it had been stated that the Commissioner should not be fettered by instructions, and that he should be left entirely free and untrammelled in his actions. The House had taken this course for the best of reasons; because it could give no instruction which could interfere with the instruction of the Imperial Government, and because the power likely to be exercised over him by the Imperial Government was a power within the province of this House to

check, by requiring that the Imperial Act or Treaty should be submitted for the approval of the House. That had been done, and these articles of the Treaty could not be legally carried into effect until they were pronounced upon by the Parliament of Canada.

Now what were the acts the House was called upon to consider? What were the acts the acceptance of which it was said would be sacrificing the interests of this country? They were acts connected with the fisheries. What was the history of those fisheries? If they looked into it they found that the United States had rights in them from 1783 to 1818. Those rights were abrogated by the war of 1812, but revived under the Treaty of 1818, and continued till 1854, when increased facilities were given to American fishermen under the Reciprocity Treaty. That Treaty expired in 1866, but since then the right of Americans to resort to our waters had been recognized by the licensing system, and by the permission that was accorded to them of purchasing fish and transferring from one set of vessels to another for transport to American ports. Since the Americans had resorted there our fishery trade had increased over and over again. (*Hear, hear.*) The facts declared distinctly, clearly, emphatically, and without the possibility of denial, that since then the increase in the trade on the part of our colonies, had been greater than ever before. (*Hear, hear.*) There was, therefore, nothing, as far as the fisheries were concerned, which showed that we had lost; there was nothing that showed against us and favourable to the United States. If it was favourable to them why should the United States fishermen require a bounty? (*Hear, hear.*) But they have not got it, and they are not likely to get it; and until the bounty is granted the argument can have no effect; but in the meantime we have the fishermen of the United States, who, I suppose, know their own interests quite as well as either the member for Durham West or Lambton can do, saying that their rights are interfered with, and that they are suffering the degradation and humiliation which we are told is cast on Canada; and that they are crying out for a bounty, while our fishermen are perfectly satisfied. One fact is said to be worth a thousand arguments, and these are facts.

He could not speak of the feeling of the Maritime Provinces except from the tone of their press, and the expressed opinions on the subject; but he believed the general feeling down there was in accordance with the views expressed by the Governments of Prince Edward Island and Newfoundland; and that the views expressed in the English House of Lords were entirely mistaken; and that in reality the Maritime Provinces were in favour of the Treaty. This reciprocity in fish and trade had existed before, it existed from 1786 to 1818; but now, because we had not so wide a range of commodities free we had in addition a money grant. It was said that as far as length of time was concerned, the United States had not had reciprocity in fishing for a longer time than they had been deprived of it, and there was nothing to show that the losses which it was thought the Maritime Provinces would sustain had not been sustained. We were told by the member for Durham West (Hon. Mr. Blake) in his speech, which was as exhaustive from his point of view as was the speech of the Minister of Justice (Hon. Sir John A. Macdonald) from our point of view, that the fact of a bounty being

May 13, 1872

allowed by the United States to their fishermen was something that should have been provided against in the Treaty; while in the same breath he told that the Treaty was favourable, to them, and that a money grant was dishonourable.

Let them examine that for a moment. It was dishonourable to exchange one article or commodity for another. They had a treaty from 1854 to 1866, and no one thought it dishonourable to have the products of our country introduced into the United States duty free. Supposing that at that time, there had been a balance of commodities to come from them to us, would any one have thought it dishonourable if we had provided for that balance by a money arrangement? And now we say that, as the rights we gave to them are greater than the rights they gave to us, we are entitled to a money compensation. There was nothing dishonourable to us, nothing contrary to us, or that the United States themselves have not done. There were gentlemen who seemed most anxious to carry the honour of England about with them, and who thought that loyalty must exist in their hearts because it was always on their lips, and who were constantly offering themselves as most pure; pure while those around them did not always think that the purity existed—and those gentlemen stated that the money compensation was dishonourable, while such actions were of so late a date as to be within the memory of men in the House.

The Treaty of 1842 by Lord Ashburton was one of the strongest instances on record of the cession of territorial rights for money, and also for the cession of other rights similar to the Fenian claims for money; also by the Treaty of Ghent it was determined that the north-eastern boundary of the United States should be settled by commissions, and if the commissions should not agree, it was to be referred to a friendly power to decide. Surveys were made, and gentlemen from New Brunswick and Nova Scotia were, no doubt, much more familiar with the facts than he was, as long years elapsed while those surveys were being carried on. Then when the boundary could not be agreed upon the question was referred to the King of the Netherlands, who supposing that all he had to do was to do what was right, did not give the Americans their line, and did not give the English their line, but ran a line between the two. England was quite willing to take that line, but the United States held that the King of the Netherlands had only to decide which of the two lines was correct, and had no power to decide on a third line, and they repudiated the award; but the treaty still stood, and a new convention was made, and under the new arrangement Lord Ashburton was appointed to act with a commission of the United States. Maine, however, had not agreed, and General Jackson said, “agree to the treaty and we will give you \$1,250,000.” Maine, however, would not agree; a new treaty was made, and Maine then thought she ought to have a commissioner, and there was a doubt whether the United States could take her territory without her consent, and subsequently she did consent. England then got more than she did by the award of the King of the Netherlands, though she did not get so much as we thought she should have done,

and for the territorial rights which Maine upheld she got \$150,000, and Massachusetts got more. Gentlemen from New Brunswick would recollect the facts, because two or three companies of regulars were sent to Temiscouata, and how there was a disturbance because Maine sent out men called “labourers,” but who were armed with muskets and supplied with cannon. He remembered these things distinctly, because at the very time he was making a pilgrimage from the frontier of New Brunswick to the city of Quebec, and he remembered well how the men from Maine were drawn out, and how the State of Maine made a claim for \$200,000, which they thought Great Britain ought to pay, as if Great Britain had not sent out her troops, Maine would not have called men out. Maine would have liked Great Britain or New Brunswick to pay it, but New Brunswick, as was the case at present, would have wanted better terms. The result was one of the most curious things of modern times. The treaty between Great Britain and the United States provided in one of its articles that the United States should pay to the States of Maine and Massachusetts \$300,000 for the damage which they suffered by calling out the troops, and they did not agree to pay that by agreement with their own country but they made a treaty with a foreign power to pay it; and when the treaty was ratified, Lord Ashburton wrote to the Secretary of State of the United States, and said—“If you do not pay the money Great Britain must go to war with you to compel you to pay your own country;” and the United States Secretary of State wrote to Lord Ashburton declaring that the United States took the matter on themselves. That was only thirty years ago; and the honour of the United States did not then seem to be very much affected by the fact that they had to pay for obtaining some territory; that they had to pay for losses caused by calling out their men; but they paid the money and the records of the Treasurer of the State of Maine and the State of Massachusetts show that the one received \$350,000, and the other \$150,000.

There were many other instances in which the United States bought territory. They bought Florida, and indeed almost all their territory was acquired in that way; and, although they claimed to be the highest, best-disposed as to the rights of the people, they have never found it degrading or dishonourable to pay money for territorial rights. England’s own transactions were of the same character. In 1850 she bought part of the west coast of Africa from Denmark, and this month she was to take possession of more property on the same coast on the same terms. Were all these transactions so dishonourable? If we had asked the tail of a fish in payment no one would have objected, and because we asked for what represented the fish why should it be objected to?

The present Treaty was an absolute acknowledgment which could not be abrogated, that the United States solemnly acknowledged that we had the right of exclusion within three miles of our shore, which they cannot by any possibility interfere with. Was it for our advantage or not that the matter should be dealt with in this way? Was it for our advantage or not that the bonding



system should continue? Was it for our advantage or not that the casting trade should be allowed, and that those things, the benefit of which no man could for a single moment deny, should be ensured? Then the United States could not claim the right to fish for ever. Our Government made a provision, which, alone and independent of anything else, ought to induce any man who had a doubt about it to vote for the Treaty. These rights which it was said were given up, contrary to the national honour, and which are degrading and humiliating, were given up for how long? For ten years; and two years afterwards. The Government had shewed their wisdom in getting the Imperial Government to declare beforehand the exact terms on which the Treaty should end.

Twelve years were nothing in the life of a man. What were they in the life of a nation? Twelve years ago some of the members of the House were boys; they were not in the strength of manhood; and twelve years hence they would still have the greenness and vigor of manhood about them, and they would see the Treaty abrogated if it turned out to be against our interests, and they would see that it was not abrogated if it turned out to be in accordance with our interests; and in the meantime there were many benefits. He did not care about the Government despatch of the 28th July, or 20th January, or anything of that sort; but he had met the First Minister immediately after his return from Washington, and told him that he believed the Treaty to be a good one, and in the interests of the Empire; and he was ready to stand by it, (*Cheers*) and he had never changed his mind, but was still ready to stand by it, and he did not hesitate to declare that in the position which England occupied the Treaty was a good one and a wise one. That Treaty was only for a time, and not for permanency; and, being so, it was one which members could vote for, and for which the people of the country would not visit them with their displeasure.

There was a very great deal to be said with regard to the free navigation of the St. Lawrence; and the question of Fenian claims. He did not intend, when he began, to keep the House so long, and he did not desire in any way whatever to weary the House, (*cries of "Go on"*) but he desired to say one or two words respecting the trumpery way in which the members for Durham West and Bothwell spoke about the navigation of the three rivers in Alaska—the Yukon, the Porcupine, and the Stikine. He maintained that except for the terms of the Treaty we would not have the right to navigate those rivers. The cession of Alaska to the United States destroyed all rights that England had in that territory before the cession, and he undertook to prove it before he sat down by an exactly similar case. He declared that, as far as his judgment went, and his reading of international law, that was the inevitable position; and if he could set before the House laws of an exactly similar character, between which and the case in question no distinction could be drawn, he would ask the House to pronounce that the proposition he had mentioned was true.

The first case he would take was the free navigation of the Mississippi. By the Treaty of 1783, England was entitled to the free navigation of that river, and she enjoyed that right when she made a treaty with France and Spain at the time of the declaration of American independence. When one of her vessels in the port of New Orleans desired to attach itself to the shore, and the Spanish commandant desired that it should not, a British corvette moved up opposite the commandant's house, and declared that if the vessel was not allowed to attach herself to the shore, she would blow the house to pieces; and so the right was vindicated. From the hour when the United States bought Louisiana, in 1803, the right of Great Britain to navigate that river ceased. It was contended that the war of 1812 had put an end to it; but that was not the case. From the hour that the United States obtained the cession of Louisiana in 1803, she declared that the navigation of the Mississippi ceased, so far as England was concerned. Again, Texas was an independent country; it had its own treaties, and when Texas became incorporated into the United States, the countries with which the treaties had been made gave notice that they would claim their fulfilment; but the United States declined the right, and it was not insisted upon.

He would give one more case in our own recollection. In 1863 the Ionian Islands were annexed to Greece. England had treaties of the freedom of ports for commerce; and for the fear that, on the cession of the islands, she would not be allowed these privileges, she made new treaties with Greece for the continuation of the same treaties of freedom of ports and commerce.

**Hon. Mr. MACKENZIE:** The Islands were under the protectorate of Great Britain.

**Hon. Mr. CAMERON (Peel):** Whether the Islands were under the protectorate of Great Britain or not, their right to deal with their own cession, with the consent of England, was a clearly existing one; just as was the right of the United States to claim from England that independence should be acknowledged. He referred to Vattel's Law of Nations, Wheaton, Philimore, and others, in support of the statements he had made, and if the cases which he had called were satisfactory to the minds of those who had heard him, then he had made out the case that, whether the Commissioners of England knew of the treaties between Russia of 1825, and the renewal of 1859—by which British vessels had the right to navigate the rivers in Alaska—or not, those rights were given up when Alaska was annexed to the United States; and but for the Treaty of Washington, we should not have free navigation. With regard to the St. Lawrence, we were told that Lake Michigan was a tributary of it. Was not the Ottawa a tributary of the St. Lawrence, and if we had the right to navigate Lake Michigan, on that ground, would not the Americans have the right to navigate the Ottawa? Lake Michigan was an inland sea surrounded by the territory of the United States, and we had no

May 13, 1872

more right to navigate it than they had to navigate the Ottawa, which was unquestionably a tributary of the St. Lawrence. This lake would not even have been an open water to the citizens of the United States generally had not a provision been made expressly. In the constitution of the United States they can open all the lakes and rivers of the nation for the navigation of its citizens. As the Romans of old had claimed the sole navigation of the Mediterranean, so in the same way could the United States have shut out all vessels from Lake Michigan.

The only thing that he thought would have been better in the Treaty would have been that, in return for the navigation of the St. Lawrence for ever, we should have had a similar right to the navigation of Lake Michigan. But what harm had ever been done by our giving the free navigation of the St. Lawrence? Had we ever prevented the ships of any country from coming to Quebec and Montreal in times of peace? We were glad to see those ships in our waters, and it was greatly to the interest of the Dominion that it should be so. The Americans claimed that they had the right independently of the Treaty, and that which they had claimed as a right we allow them as a liberty.

With reference to the Fenian claims, he had already mentioned a curious case that had arisen with reference to the territory of Maine and the United States; but he had another case of very similar kind which happened also between England and the United States, and in which England did not go to war with the United States, and did not consider that in any particular manner her honour was sullied. When the War of Independence terminated, and the preliminaries of peace were considered, England claimed that the United States people should make reparation of those of her people who, following the good old flag, had determined to leave the United States, and whose property had been confiscated. The United States agreed to recommend to the several States of the Union that they should restore the property of the Englishmen who had fought against them, and had remained true to their own Government, and that they would do what they could to obtain from the different States a recognition of that principle. Many in England believed they would carry out those views, but no State of the Union responded with the exception of Pennsylvania. The British Government were told of this, and England saw that the United States could not apparently enforce their wishes, and she allowed the matter to go. The case was nearly the same with us with regard to the Fenian claims. Our claims had not been pressed by Great Britain, and one of the reasons, no doubt, was that unadvisedly, and without due consideration, the Government of England had telegraphed to the President of the United States that his prompt action in repressing the Fenian raids was entitled to their warmest thanks. It was, no doubt, felt that that would be cast in her face if she sought a reconsideration of those claims. She would rather pay those claims herself than allow them again to come before the United States; but according to the principles of international law she

could present them at any future time. We were asked by the hon. member for Durham West why England should give up those claims; why should she not be prepared to take a stand as she did when she sent her army to Abyssinia, and when she demanded retribution for the outrages committed by brigands in Greece? Have we forgotten what England did for us in the troubles of 1837? Have we forgotten the case of the Caroline, and what England was ready to do for us then? England stood by us then, and would she do less for us now? We should be prepared to make a sacrifice for her sake. We could not do otherwise as long as we remained a portion of the Empire. We had duties and obligations to perform, and sacrifices to make, which we could not overlook until we took upon ourselves the responsibilities of nationality. He hoped that that time would not come during his life time. It might come during the life of his sons, but he hoped not even then. (*Loud cheers.*)

Viewing the great national changes in Europe of late years, where was England to look for an ally but to that great nation of the west, of the same speech and blood? A great American statesman had said that the sun followed England's drum beat around the world. Let it rather be said, as a national boast, that England's power went round the world in the interest of peace, rather than of war. Let it be said in the interest of civilization, enlightenment and religion, that Canada either did not stand in the way of peace, progress and civilization, but that England having granted us our Dominion and brought us, men of different races, languages, and religion together—but though different, all prepared to acknowledge the supremacy of this great land from which Christianity, enlightenment and civilization had gone out to the ends of the world. Canada puts neither lock nor impediment in the path of those arrangements tending to peace, but offers to her people to-day that treaty of peace and good will toward men, as one that will be our greatest recollection and highest praise to remember that we assisted to ratify. (*Loud ministerial cheers.*)

**Hon. Mr. CONNELL** said that from mere personal reasons alone, he would not have felt it necessary to make any remarks upon the great question now under discussion; but in the course of the debate it had been freely stated that the maritime provinces were not only ready but anxious to adopt the Treaty as a boon of inestimable value. Under the circumstances, he felt it to be his duty, as the representative of a large and intelligent community in New Brunswick, to give to the House an expression of his own feeling, and of those whom he represented, and what he had good reason to believe was the feeling of the vast majority of the people of New Brunswick. The people of that province had already pronounced upon this question in unmistakable terms. The representatives in the Provincial Assembly, on learning the terms of the Treaty, without delay passed resolutions against its adoption. This was not a mere expression of the feelings and views of one section, or of a political party in that province; it was not the expression of a few constituencies here and there. It was an unanimous vote in which the whole representative body of



New Brunswick, men of all creeds and callings, and of all shades of politics, joined to express their disapprobation of the Treaty. The Minister of Finance, in his able speech upon the matter argued that there was no feeling against this Treaty from the Maritime Provinces. He was satisfied, if he understood the feelings of the people as well as he (Hon. Mr. Connell) did, he would never have made that remark. From his information, he felt that he would not be justified in taking any other course than that which he was now endeavouring to pursue. At the time he had referred to, so strong was this feeling in the House and country that the Lieut. Governor in closing the Legislature, pronounced the Treaty to be a mockery and a delusion; but they were told that a change had come over the feeling of the people of the Maritime provinces; and that they were now becoming in favour of accepting the Treaty. He could not believe that this statement was well founded; on the contrary, every letter he read showed a stronger and stronger feeling against its adoption unless equivalent commercial advantages were given. The course pursued by the Dominion government up to July last, their manly and energetic protests against the Treaty, deserved the thanks of every colonist. He might further say, with regard to the minister who was charged with the management of the Fishery department, that though he had differed from him in many matters, he felt that in this branch of the Public Service the country had been greatly indebted to him. His reports from time to time had given us an enlarged view of the value and importance of our fisheries, and at the same time his energy, zeal, and administrative ability in his efforts made to secure and protect these great interests from encroachments, had convinced him (Hon. Mr. Connell) that his head and heart were right in this matter. But the whole policy of the Government was suddenly changed in this matter. Why? Had any concession of commercial advantages such as our people been led to expect been made? He saw none. Under the American Constitution, each State had full control of the fisheries within three miles of its shores. These state rights were very rigidly guarded; so much so, that a fisherman from Maine was not allowed to fish in the waters off Massachusetts, nor in any case where the fishermen of one state allowed to intrude on the fishing grounds of another: but he saw measures in the interests of the Great Empire of which we form a part, the House could scarcely felt disposed to resist. He was satisfied that had the measure in this way been honestly laid before the House, it would have met with unanimous acceptance; but far different, and to his mind a less honourable course, had been pursued. We had the Government of Canada virtually coming down and telling the House that they had sold out the rights, interests and feelings of our people in this matter for a paltry guarantee of two and a half millions. Such was the view we must take of it. Such was the view that was taken in the high places of the Empire where it was well known how Canadian interests were sacrificed, and Canadian feelings wounded by this Treaty. Yet we heard Mr. Gladstone, in Parliament, on the 29th of April in reply to a question by

Mr. Jiskisson, say the Imperial Government had agreed to guarantee the Canadian loan of two million five hundred thousand pounds sterling for the construction of a railway to the Pacific, providing that Canada should accept the Washington Treaty. Had our government, instead of this contemptible bargain, submitted the Treaty to Parliament in the light which he had proposed, and this House had been, from high and patriotic considerations, given effect to its provision so far as they relate to Canada, we should then have been in a position to say to the British government that in all Treaties with the United States, whatever they have set their hearts upon they have got to the manifest injury of the provinces? They have changed our boundaries; they have taken our soil, with thousands of our people, as in the case of the Ashburton Treaty they took one-third of New Brunswick, with its valuable timber land, the quality of the lumber being superior to that being found anywhere else on the Continent; it has been the same in the east as in the west, in Oregon as in Maine; in every Treaty we have been overreached. We have been overrun by hordes of ruffians from across the border; we have been put to expense; our business has been obstructed; our blood and treasures spilled; and we have been denied the slightest redress or compensation; and now we are asked to give up the inheritance of our forefathers, to surrender rights which we have held since the first settlement of the country, all for the sake of peace with the United States, a peace which we have never disturbed.

Having under such circumstances assented to the Treaty, we would have been in a position to ask British assistance in a great national work of constructing the Pacific Railway, a work in which England was as much interested as we were. The Railway when once constructed, would prove invaluable to her as a short way of communication with her possessions in the east, especially if she were threatened with war in that quarter. Besides, by opening the fertile Territories of the North West it would have afforded a place for her surplus population, thus retaining them within the Empire as loyal subjects, when under other circumstances they would have emigrated to foreign lands and become indoctrinated with sentiments of hostility towards her. But if we were to discuss the Treaty on its merits, we would find strong objections to it on the ground that it failed to secure for us commercial advantages such as we had under the former Treaty; it was commercial considerations alone that could have satisfied our people. The country which he had the honour to represent was largely engaged in lumbering and agricultural pursuits. The district also abounded in mines and minerals. The country also yielded a considerable surplus of hay, oats and other agricultural produce. The natural market for this surplus was in the adjoining state; but our people were there met by a high rate of duty; they had hoped to be relieved from this burden, and naturally looked to our fisheries as a means by which, as in 1854, we might secure free access to American markets. This belief had been strong in the country and it was still

May 13, 1872

strong, that had we been content to wait for a few years longer, we could, with our fisheries to offer in exchange, have secured a renewal of the Reciprocity Treaty. It was not a strange or unreasonable thing under the circumstances, that Congress should in 1866 have given notice to terminate the Reciprocity Treaty. The war just closed had involved them so deeply that resort was necessarily had to taxation of all kinds to raise the necessary funds. The customs and duties had been raised to the highest productive point, and a system of inland taxation had been developed to an extent hitherto unknown. Almost everything was taxed to the extreme limit, but there was trade with Canada amounting to many millions annually, which remained free of duty.

Was it any wonder that those vast mercantile and manufacturing interests not immediately interested in trade with the United States should feel that in such an emergency this, as well as every other part of their trade, should bear its burden? Hence, as the terms of the Treaty had expired, and it was at the option of either of the great parties to it to give notice terminating its operations, it was not to be wondered at that the United States gave the notice. But the state of things which then existed was fast passing away.

Already, taxation had been greatly reduced in the United States and in a comparatively short period we might fairly infer that they would be, in order to get access to our fisheries, not only willing but anxious for a renewal of the Reciprocity Treaty. It was for this reason that they thought it not only a most unfortunate but a most disastrous policy, to give up our fisheries at the present time without securing those commercial advantages, which in a short time would be within our reach. In doing so, we hastily threw away our last chance of obtaining reciprocity, and gave up the only lever with which we could hope to move the action of Congress. The present state of things was, in several respects, unsatisfactory to our people; but the evils were not all remedied by the Washington Treaty. We needed, and should have access to, the American coasting trade; but he was sorry to say that the papers before us did not show that any effort whatever had been made to secure us that boon. It was not shown that it was ever asked for, or made a subject of negotiation at all.

Under such circumstances, we could not hope to get it. Again, under the present arrangements, the milling interests in New Brunswick were fast passing into the hands of Americans, who were enabled to purchase mills, cut and export lumber to the American market under terms much more advantageous than to our own people. He found nothing, either in the Treaty or correspondence to show that any effort was made to rectify these matters; but if the Treaty were objectionable from what it failed to contain, it might be also objected that one of its most important Articles was so loosely worded that it might be construed against us. He referred to the 21st Article which provided for the admission of fish

caught in the waters of each country respectively into the markets of both, free of duty.

Now, it was well known that a large portion of the fish taken by the Canadian fishermen was caught outside of the three-mile line and therefore not in Canadian waters. The generally received opinion, and that which had gone abroad as to the real meaning of this Article, was that all fish caught by Canadians should be admitted into the American market free of duty, and vice versa; but it would be seen, on slight consideration, that the Article might be held to mean much less than this, indeed, a strict construction of the Article was altogether against us. It might be said that we should not raise such points, as it might open the eyes of our neighbours to those defects in the Treaty, and suggest to them where advantage might be taken; but he was sure that, if there were a point in the Treaty that could be construed against us, they knew it already, and would not fail in due time to bring it to light. The House and country should know the whole case, and we should not hastily give our assent to a measure that was couched in such terms as to place in peril the great interests of the country. Now was the time, while this great possession was yet in our keeping, for us to thoroughly and critically examine the terms of the Treaty by which they were to be transferred.

The reservation of the river and lake fisheries was of great value, and as they could not be participated in by Americans, they might set their hearts upon them, and they might be disposed to ask us to make this additional concession in allowing us to admit free of duty fish caught outside of the three-mile line. He did not need to remind hon. members that they were to legislate for Canada, and charged with the duty of protecting the rights of Canadian people. It was equally as bad that our own rights should be endangered by our own hasty actions, as by the State craft of our grasping neighbours of the weakness of English diplomacy. We were asked to give effect to the Treaty which almost the whole people of Canada had looked upon as one-sided and unfair to them, a Treaty against which the government of the day had protested in the strongest manner; and we were asked by the government to do this, because they had got this guarantee which might relieve them from embarrassment and help them to retain power; but it could never satisfy the country.

He could not bring himself to view the acceptance of the Treaty upon such terms as anything short of national humiliation, and, as a Canadian, he must record his vote against it. But viewing it from a maritime standpoint, he found still stronger reasons for taking this course. The fisheries were the possession of the people of the eastern Provinces, while the guarantee loan went to build railways and canals in the west; and however much they in New Brunswick might be disposed to favour those great and necessary public works, they could not but feel that it was most unfair that the sacrifice under this Treaty should all be made in the east, and the benefits all received in the west.



They felt this more strongly that, under the present circumstances, the financial arrangements of the union were felt by the people of New Brunswick to be unfair to them, and just at this time when they had been hoping and expecting the consideration of their claim in that respect.

The resolution moved by the hon. member for Oxford South (Mr. Bodwell) pointed to the desirability of not proceeding further with the discussion of this very important matter. The information placed before the House by the Minister of Justice showed that our legislation was in advance of any conclusions likely to be arrived at by either of the other parties to this Treaty, and therefore he (Mr. Bodwell) was quite of the opinion that delay at the present time would be the most prudent course.

In conclusion, he (Hon. Mr. Connell) might say that he had carefully listened to the several members who had addressed the House upon this great question, among them the gallant knight from Sherbrooke, whose speech was an able argument against the Treaty. He had charged the government with timidity and want of courage in meeting the matter fairly and independently. He seemed to more than hint that the British government had intimated that if we took our own course in this matter we must bear the responsibility. The Minister of Justice had since assured the House that was not the case. If that was our position, we should be careful not to surrender those valuable territorial rights; the interests of our common country should be our first consideration.

A recent number of the *London Times* contained an article indicating what the feeling of the English government was in the matter. The *Times* in discussing the attitude of Canada with regard to the Treaty of Washington somewhat censured the conduct of the Home Government in its hints that it might be beneficial to the world if England would absolve Canada from her allegiance to the mother country. This showed us that the public mind across the Atlantic was still directed to this question, and rendered it necessary for us to be prepared at no distant day for those new responsibilities we might be called upon to assume. When that time arrives we should be in a position to be united as one man, standing shoulder to shoulder to maintain the rights of our common country in our various callings. We might have separate interests and different views upon many questions, but he trusted that whatever the future might have in store for these provinces, we should all be prepared to stand as one people, known and united by one common name—Canadians.

**Mr. POWER** said that he was not accustomed to occupy the time of the House, and did so now with reluctance; but as he considered the subject under consideration to be of great importance and one in reference to which a good deal of misapprehension seemed to rest, and it was a subject upon which he could perhaps throw some light, he felt that he ought

not to be content with a silent vote. No one regretted more than he did that this Treaty was not more general in its provisions. He wished as urgently as any one that it was more like the recent Reciprocity Treaty, which proved so advantageous to the United States as well as to these provinces; but as this could not be obtained, and he believed was not obtainable, he was in favour of accepting the Treaty even as it was, and the following were some of his reasons; they were not merely theoretical, but the result of years of practical experience and careful observation. (*Hear, hear.*)

In the spring of each year some 40 or 50 vessels resorted to the Magdalen Islands for herring, and he had known the number to be greater. These vessels carried an average of 900 barrels each, so that the quantity taken was generally in the neighbourhood of 50,000 barrels. During the existence of the Reciprocity Treaty no United States vessels went after these fish. All the vessels engaged in that fishery belonged to some one of the provinces now forming this Dominion. Since the abrogation of the Treaty and the imposition of the duty of a dollar per barrel by the United States, the case had become entirely changed. Vessels still went there, but they were nearly all American. Now, under this Treaty we would get that important branch of trade back again. The lower provinces, Nova Scotia in particular, had a large herring trade with Newfoundland. Vessels went there with salt and other supplies, and brought back cargoes of herring in bulk. Employment was thus given to the cooper and labourer in preparing these fish for export, and as the business was prosecuted mostly in the winter months when other employment was difficult to obtain, it always proved a great boon to the industrious. We lost this trade also, when we lost the Reciprocity Treaty, but it would return to us under the treaty now offered for our acceptance. A little more than two years ago, two vessels belonging to the Province of Quebec arrived in Halifax from Labrador. They had between them 3,400 barrels of herrings. Not finding sale for them in Halifax, they proceeded to New York, where they sold. The duty on these two cargoes amounted to \$3,400 in gold. Under a treaty of this kind, this \$3,400 would go into the pockets of the owners and crews of the vessels, instead of into the United States Treasury, and cases of this kind occurred almost every day. The same reason applied to the mackerel fishery, but with still greater force, the duty being two dollars per barrel.

There was another feature connected with this fishery, which ought to have a good deal of weight with this House in favour of the Treaty. American vessels following the cod and mackerel fisheries were manned in great part by natives of some parts of this Dominion. The chief cause of this was that, as the hands fished on shares, viz., one half of what they caught, those employed on board of United States vessels got theirs in free of duty, whilst the men employed in the vessels of the Dominion had to pay the duty on theirs. A hand catching twenty-five barrels of mackerel to his share on board

May 13, 1872

of a United States vessel would receive \$50 more than he would receive for the same quantity taken in one of our own vessels. A consequence of this was that the best men went on board the American vessels, and our vessels had to put up with the less capable. Indeed, should the present state of things continue much longer, our people would be compelled to give up the hook and line fishing altogether, for it was impossible that they could continue to compete against the duty and their other disadvantages. (*Hear, hear.*) During the existence of the Reciprocity Treaty the number of vessels following the hook and line mackerel fishery had increased to about sixty in the county of Lunenburg alone. Since the termination of the Treaty the number had been gradually falling off, until during last session no more than half a dozen vessels engaged in that business, and he believed that, should this Treaty not be ratified, there would not be a single vessel fitted out in that county for the mackerel fishery the approaching season. (*Hear, hear.*) He had been assured by vessel owners in Havre Boucher, an enterprising settlement at the eastern end of the county of Antigonish, and also by those on the western side of the Strait of Canso, in the county of Guysborough from both of which places the mackerel and herring fisheries had been extensively prosecuted, that the business will not more than pay expenses, and that, unless something was done to relieve these fish from the present duty, they would be obliged to abandon the business altogether. This need created no surprise when it is considered that at the present value of mackerel and herrings the duty is fully equal to fifty per cent.

Owing to the advantages offered by the American vessels over our Provincial vessels engaged in fishing, not only were our best men induced to give their skill to the Americans in fishing, but in many cases they remained away, and their industry was lost to the Provinces. They went on to the States in the vessel on the last trip in order to get settled up for the season's work; and generally remained there to man the fishing and other vessels of the Republic. Why, a very large proportion of the inhabitants of Gloucester and other fishing towns of Massachusetts and Maine were natives of some of the Provinces of this Dominion. Now with this Treaty the inducements to give a preference to American vessels would be removed, and our own vessels would be able to select good hands who would remain at home, the temptation to emigrate as he had just explained being removed. He had heard it said that the consumer paid the duty. Now whilst this might be the case with some articles, it was not so with the article of our fish. In our case in this business our fishermen fished side by side with their American rivals, both carrying the proceeds of their catch to the same market, where our men had to contend against the free fish of the American fishermen. Let him illustrate this. An American and a Provincial vessel took 500 barrels of mackerel each, both vessels were confined to the same market where they sold at the same price. One had to pay a duty of \$1,000, while the other had not to do so. Who then paid the \$1,000? Most certainly not the purchaser or consumer but the poor, hard-worked fisherman of this Dominion, for this \$1,000 was deducted from his account of sales. Those who

contended that in this case the consumer paid the duty ought to be able to show that, if the duty were taken off in the United States, the selling price there would be reduced by the amount of the duty. There was nothing in the nature or existing circumstance of the trade to cause any person who understands to believe that this would be the case, and therefore it would be seen that at present our fishermen laboured under disadvantages which made it almost impossible for them to compete with their rivals in the United States, and that the removal of the duty as proposed by this Treaty would be a great boon, and enable them to do a good business where they now were but struggling or doing a losing trade. (*Hear, hear.*)

There was another point connected with this matter that might perhaps have an important bearing on the fishing interests hereafter. Should the island of Cuba, to which we now exported a large portion of fish and lumber, our vessels bringing home sugar and molasses in return, become independent, under United States protectorate, as was intended had the rebellion in that island succeeded—or what was more likely, should it become a part of those States by purchase or otherwise—with the present American tariff to meet us, we would be completely cut off from the trade of that island. But with this Treaty in existence, we would not only be secured from this contingency, but would have that market open to us on much better terms than at present.

The House was told that our fishing grounds etc., would be protected against all outside encroachment. This was much more easily said than done. Great Britain wished us to accept the Treaty, and should we refuse to do so she would not be likely to send one gun to assist in protecting our fisheries, if she would even send one to protect us under any circumstances. (*Hear, hear.*) Newfoundland would accept the Treaty. Prince Edward Island would also, in all probability, accept it. We would then be left to ourselves. Had hon. gentlemen considered what we should have to protect? Take the map and see a great part of the shores of the Bay of Fundy, the 250 miles of coast from Cape Sable to Cape Canso; the entire circuit of the large island of Cape Breton, and the shores of the Gulf of St. Lawrence from Labrador down to the Strait of Canso. A pretty formidable task and one that would require something more than the celebrated six foot sailing schooners to accomplish.

He had heard the fear expressed that, with this Treaty, the Americans would come down into our waters and take the fish away from our people. This was a groundless fear. Why had not this occurred under the Reciprocity Treaty, under which the Americans enjoyed fully equal privileges to those they would have under the Treaty of Washington? Did we find them interfering with our fishermen? We did not; and with the United States markets open to us on the same terms as to its own fishermen, could any intelligent man suppose that they could come down four or five hundred miles in vessels costing more to build, equip and sail than our vessels, and compete with our people, who took the fish almost at their own doors?



In Mr. Knight's report on the working of the Reciprocity Treaty, drawn up in the year of 1867, was found the following extract of a letter from a gentleman in Guysborough:—"The fishermen in this locality have, since the commencement of the Reciprocity Treaty, say for the past ten years, made more money than during any ten years previous, from the fact that they have had a free market in the United States, which is the only market where a large proportion of our fish will sell to advantage; and although fish have not been so abundant, the extra price has more than compensated for the deficiency in the catch. If a heavy duty were put upon our mackerel and herrings in the United States, the fishery would not be remunerative," and he added, "the American cod and mackerel fishermen have not interfered with us nor injured our fisheries during the past ten years, and our fishermen caught more mackerel in 1864 than in any previous year." It would be seen that we need have no fears that the Americans would do us any greater injury under this Treaty. He also found in Mr. Knight's report the value of fish exported from the Province of Nova Scotia from 1855 to 1865, during the existence of the Reciprocity Treaty, had increased from \$1,940,127 to \$3,476,461, and was it not fair to assume that a proportionate increase would take place under the Washington Treaty?

He was told that the refusal of this Treaty would force the United States to allow our coal and lumber to go into their markets entirely free of duty. He believed the contrary would be the result. This fishery question had been a great cause of ill-feeling on the part of the United States towards us, and this being settled, satisfactory concessions would be sure to be made by them, in the feelings of international courtesy and good-will that were sure to arise from the prompt and cordial ratification of the Treaty. We would have a better guarantee for an early reduction of those duties, and the adoption of a more liberal policy towards the United States by our neighbours in commercial matters generally, than we could possibly have by assuming an attitude of hostility towards them, or by acting in such a way as to perpetuate that feeling of dislike in which their hostile legislation originated a few years ago.

Those opposed to the Treaty seemed to set great value upon what we were asked by it to surrender. "Oh," said they, "why should we give up our valuable fisheries, such important privileges, and for so small a consideration?" Had those who talked in this way studied the case? He believed they had not, else they would form a different opinion.

That our fisheries were valuable he was well aware. Their value under favourable conditions could not be over-estimated; but that value would be great or small just in proportion to the markets we possessed. By this Treaty we surrendered very little and gained in many ways; for, in addition to our own fishing grounds, which we still retained, we had the privilege, if we choose to avail ourselves of it, of going into United States waters to fish, and would gain a free market, which would have the effect of increasing the value of our own fisheries to a most important extent. Newfoundland and

Prince Edward Island had given strong indications that they would ratify this Treaty; and Americans having free access to the fishery grounds of the former, they would be quite independent of us in the herring and cod fisheries. Prince Edward Island's ratifying it would give them access to the mackerel fishery of that Island; and with the right which they now possessed, under the Treaty of 1818, to take all kinds of fish when and where they pleased at the Magdalen Islands—and the islands comprise, both for herring and mackerel, about the best fishing ground of the Dominion—the Americans need care very little for any privileges that we might have the power to withhold from them, which would amount to but a few miles of an inshore mackerel fishery; in return for which the markets of the entire United States were thrown to us free for all the fish and products of the fisheries of the whole Dominion. But he might be answered, "If we would have so little to protect, why urge the great difficulty and cost of protecting it?" The reply was that most of the harbours on the entire line of coast that he had mentioned, were visited by United States vessels for the purpose of obtaining supplies of bait, ice, &c., for the deep sea and other fisheries, and if we wished to have the protection effectual we would prevent this. He might, however, say that he had always been opposed to United States vessels being prevented from obtaining these supplies from our people. It looked too much like cutting off the nose to be revenged on the face. The value of articles supplied in this way was very large, and the revenue, as well as the inhabitants, was benefited by it; whilst the only injury that would be done to the Americans by prohibiting the trade was to oblige them to bring the supplies with them from home, or drive them to Prince Edward Island, where every facility was readily given them.

He had understood that, until the Treaty was finally ratified, it was the intention of the Government to prevent American vessels from landing their catch in ports of the Dominion. He much doubted the wisdom of this restriction. It might be all well enough if they were not permitted to do so in Prince Edward Island. That island lay almost in the centre of the fishing grounds, and there they were allowed to take all supplies they might require, and land their fish, which was reshipped in American steamers that plied weekly between Charlottetown and Boston. Such action on the part of the Government would hardly form any restriction to the Americans while they had Prince Edward Island open to them, and would only deprive our people of the Strait of Canso, the advantage of storage and harbour attendant on the landing of cargoes, and our vessels of the benefit of the freighting of them to the United States. As he had said it was quite evident that Newfoundland and Prince Edward Island were favourable to the Treaty, and if we reject it, would not these provinces congratulate themselves for not having come into the confederation, and would not the rejection of the Treaty form an effectual barrier against their coming into it? (*Hear, hear.*)

In recommending the acceptance of this Treaty, he assured the House that he had no personal end to serve, nor was it because it might be favoured by the Government; and he might as well take this opportunity to state that he was not a supporter of the Government. He was influenced by more worthy motives. He was

May 13, 1872

in favour of the Treaty because it would have the effect of establishing permanent peaceable relations with a powerful neighbouring country. He was in favour of it because it would largely benefit what would become under it the most important interest of the Dominion, without at the same time injuring any other interest in the least degree. He was in favour of it because it would render unnecessary the great expense, and it might be the still greater responsibility of protecting that interest; and because it would make for us friends and customers of forty millions of people. (*Cheers.*)

**Mr. MAGILL** warmly opposed the bill, saying that however the Treaty might suit the merchants of Halifax, it was obnoxious to the great body of the people of this country. When it first appeared there was an universal burst of condemnation, the whole press of the country teeming with it. He proceeded to attack the Treaty as a betrayal of Canadian rights, and said that if the House rejected it, every man who wished to maintain the integrity of the Empire would applaud them as men worthy of their fathers. It had been said that the Canadian Commissioner could not have done anything less than sign the Treaty; but he (Mr. Magill) did not wish to believe that the leader of the Government had lost so much character as to become the slave of any man or Government as to do whatever was required of him. He maintained that the hon. gentleman was an independent member of the Commission, with full power to act as he saw best and as the House could reject the Treaty without incurring risk or danger, he insisted that their duty required them to reject it without hesitation as an insult to their dignity as British subjects, and as opposed to the interests and welfare of the country. (*Hear, hear.*)

**Mr. COFFIN** said he could shed no new light on the question. He regretted that we could not get greater advantages than we had. It was held that the fishery rights should be extended in order to get concession from the United States; but that was problematical. He considered that we should be saving quite \$750,000 by the proposed terms; although for the sacrifice of territorial rights by Nova Scotia, nothing was proposed except the guarantee for the Canadian Pacific Railway, which would not materially benefit Nova Scotia or New Brunswick. With reference to the canals, the more the St. Lawrence and the canals could be used for bringing the produce from the west the better. Respecting the Fenian raids, the Canada Government had quite done its duty. If we did not get our rights the British Government were responsible. It was well known that most of these marauders had not immigrated long into the States, and the American Government ought not to be saddled with all the blame. He was of opinion, after looking into the Treaty, that it should be passed in order that the long-standing dispute between the American and British Governments should cease.

**Mr. WALLACE (Vancouver Island)** as representing the maritime province of British Columbia advocated the passing of

the Treaty. It gave a free market for the fish and oil, the trade in which was now carried at a loss. The opposition by the Ontario members showed that they did not understand the question. He spoke from large experience of the fishing interest of British Columbia, where at present there was practically no market. The ratification of the Treaty would open up the maritime trade and produce the most beneficial results.

**Mr. OLIVER** thought the passing of the Treaty would modify the feeling between Canada and the United States although the keen, speculative citizens of that country would give us nothing of full value for it. He had listened to the hon. Minister of Finance, (Hon. Sir Francis Hincks) and remembered when he canvassed the County of Oxford, but the arguments he had used to-day were entirely unworthy of a gentleman in his position.

It was stated that the English Commissioners pressed reciprocity upon the United States Commissioners, but he saw nothing so stated in the protocols. The objectionable features of the Treaty were the ceding of territorial right, for which we received no equivalent. With reference to the money aspect of the question, the hon. Minister of Finance, after putting it at \$600,000, had today brought it down to \$375,000; \$250,000 was all that we could possibly save. New Brunswick got \$100,000 so that the rest of Canada only got \$150,000 for twelve years. But was it to be supposed that we should ever regain our rights at the end of that time? In ceding the fisheries to the United States we did so for all time to come. So that England's endorsement would be absorbed by New Brunswick. He believed in securing the carrying trade of the West, and that the Canadian Pacific Railway ought to be built, without which the vast North West could not be settled. If we had an economical Government there was no reason why we should part with our territorial rights. When we had a surplus in the banks, our accumulated wealth ought to be devoted to the building of public works. A great deal had been said as to the abolition of the bonded system when the treaty was ratified. But even in this the Americans had got the better of us, as there was no customs house fees for goods passed through American States.

He deprecated the use of party politics in the discussion of so important a subject; but he objected to the argument of the hon. member for Lambton (Hon. Mr. Mackenzie) that, because the people of the States had set their heart on the carrying of this Treaty, we were therefore compelled to ratify it. This first howl against the Treaty was raised by the supporters of the Minister of Justice (Hon. Sir John A. Macdonald). As soon as the Treaty was passed there was no doubt the Americans would put their own interpretation on it, as they had done in some several similar cases before. Why were the canals now substituted for the fisheries as the lever with which to force reciprocity? Would not the carrying trade and our shipping interests be destroyed by making that a lever to force reciprocity? If we desire to cultivate



respect for ourselves at home we should preserve our own rights. He believed England never stronger and the United States never weaker than at the present time. (*Hear, hear.*) He had no hesitation in voting for the amendment of the member for Oxford South (Mr. Bodwell). If that was lost, he would vote for the amendment of the hon. member for Durham West, (Hon. Mr. Blake) and if that was lost he would vote for the motion indicated by one of the members for Hastings, (Mr. Bowell). (*Hear, hear.*)

**Mr. ROSS (Victoria)** was opposed to the wailing apology which Britain made to the States for the acts which she contended she had never committed. Surely if any apology was due it was to us for the Fenian raids into the Dominion. He regretted to hear Nova Scotians try to prove that our fisheries were not valuable. They were valuable on account of their extent, and the very anxiety of the Americans to obtain admission to them was a proof of it. In 1851-52/53 Nova Scotia thought these fisheries so valuable that she protected them at considerable expense. (*Hear, hear.*) Another proof of the value of the fisheries was that the Americans had given us reciprocity just on account of the fisheries. There was another defect in the Treaty. (*Hear, hear.*) It was that the commissioners at Washington had not settled the question of the headlands. (*Hear, hear.*) It had been said, what was ten or twelve years in the life of a nation? Had not a nation been lowered from a first to a fourth rate power in one year? Our fisheries, however, would last for ever if properly protected.

He could not help regarding the Imperial guarantee as a bribe to induce the House to ratify the Treaty. He knew it was as objectionable to every member of the Government as it was to him, but they were in a manner forced to accept it. Hon. gentlemen had claimed that Britain would defend us under any circumstances, but in view of the withdrawal of the troops he thought otherwise. He was one of those who had voted for the unfortunate National policy. He believed that it would, in connection with the fisheries and the navigation of the St. Lawrence, have obtained for us a renewal of reciprocity. When we threw open our markets, our fisheries, and our canals we gave them all they wanted, and had no inducement left to offer as equivalent for a more favourable commercial policy. He did not consider it necessary that we should sever our connection with England by rejecting this treaty; but if it was so it should be clearly stated, and the loyalty of the people and the House appealed to.

A great deal had been said about the power of the United States. There used to be a good deal said about the power of England; and ten years ago such a treaty as this would have been scouted by the people of England; and had England less power to-day than she had then? There was one certain effect this treaty would have—that was, that it would drive every spark of loyalty towards England out of this Dominion. He would say for one that he was not as loyal as he was ten years ago, and yet he did not think he would be again.

**Mr. O'CONNOR** moved the adjournment of the debate, which was carried, and the House adjourned at 11.30.

May 14, 1872

## HOUSE OF COMMONS

Tuesday, May 14, 1872

The **SPEAKER** took the chair at 3.25 p.m.

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*Prayers*

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## BILLS INTRODUCED

**Hon. Mr. CARLING** to incorporate the Canada and New York Bridge and Tunnel Company.

**Mr. SMITH (Selkirk)** to incorporate the Bank of Manitoba; also, to incorporate the Manitoba Insurance Company.

**Mr. GIBBS** to incorporate the Dominion Trust Company.

**Mr. MORRISON (Niagara)** to amend the Act incorporating the Queenston Suspension Bridge Company.

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## HUDSON BAY COMPANY'S DUTIES

**Mr. YOUNG** moved that the returns of duties collected at the Hudson Bay Co.'s posts be referred to the Committee on Public Accounts. The motion was ordered to be set down in the notice paper, on account of an objection raised by **Hon. Sir FRANCIS HINCKS**.

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## FISHERIES PRESERVATION

**Mr. BOLTON** desired, before the orders of the day were called, permission to put a question which had been allowed to stand from day to day at the request of the Government. The question was whether, under article 18 of the Treaty of Washington, United States fishermen will be expected to be governed when fishing in Dominion waters by municipal or other regulations establishing a close line for the protection of spawning grounds, or other protective measures for the preservation of the fisheries.

**Hon. Sir JOHN A. MACDONALD** replied that the regulations adopted in 1856 would be continued.

## THE WASHINGTON TREATY BILL

**Mr. O'CONNOR** resumed the adjourned debate on the bill to give effect to the Washington Treaty. He claimed the indulgence of the House, as the present was an occasion which he thought demanded that he should express his views and sentiments in relation to the subject under discussion—views and sentiments which he believed were in accord with those of a large majority of his constituents. He regarded the subject as one of greater importance perhaps than any other which had occupied the attention of Parliament. The fact that two of the largest political sovereignties of the whole world had agreed on this matter, and that their relations towards each other and towards mankind at large were concerned in this matter, rendered it of great importance that the subject should be considered with the utmost gravity and care.

Although the provisions did not meet his views, and hardly his expectations, in some respects, yet, after reading it carefully, he had come to the conclusion that the acceptance of the Treaty was the only proper course for this country to adopt. (*Hear, hear.*) He was satisfied that there was no other alternative, if we regarded ourselves as an integral portion of the British Empire. With regard to the Treaty itself, it was one of immense magnitude, and particularly so to be considered in relation to our own political existence in this country; but after all, it was essentially an Imperial matter, and could only be judged correctly by being viewed and considered from an Imperial stand point. For that reason he believed that neither the people of Canada nor any statesmen of Canada were in a position, however enlightened they might be, to judge of it correctly. That could be done only by those statesmen of Great Britain and Ireland who were in a position to take a high and general view of the relations of the Empire, not only of its several parts towards each other, but of these relations towards the United States and all the other nations of the earth. They were the persons who were responsible to the Empire at large for what they had done under the Treaty, and he believed that they had not come to the conclusions contained in the Treaty without great care, and without believing that they were doing the best for the Empire as a whole, and for their country in particular. (*Hear, hear.*)

It was well known that the British Ministry was composed of a number of gentlemen possessing minds of more than an ordinary high character, and abilities of more than an ordinary kind, and that there was at the head of them one at least possessing as great talents as any man of the present age. That such persons, with their great experience, and with the State secrets of the Empire in their possession, should have come to the conclusion which they had done, was a sufficient guarantee in itself that the Treaty was an



Imperial one, but when, in addition, it was known that other great statesmen, those who were the leaders of Her Majesty's Opposition in the Mother Country, and numbering among them great men such as Mr. Disraeli, the Earl of Derby, Lord Cairns and others—when it was known that they who, differing from those in power, would naturally be inclined to seize every fair opportunity to oust them, had laid aside that opportunity in discussion this Treaty and had at once accepted it, he would say that that was another guarantee of immense value in considering the value of the Treaty by this country. In opposition to their opinions, in opposition to the responsibility of the British Government, and in opposition to the acquiescence of the great men who were the leaders of the Opposition there, we had in this Parliament the opinions to the contrary of Her Majesty's Opposition from Ontario. (*Hear, hear.*)

There appeared to him, as far as he could learn, but little opposition from any other quarter. He did not think that the people of Canada would be inclined to accept the contrary expressions of opinion of hon. members for Lambton (Hon. Mr. Mackenzie) and Durham West (Hon. Mr. Blake), even though they were backed up by the no doubt very large and very important, but still book-worm knowledge, of the hon. member for Bothwell (Mr. Mills), or the butterfly experience of one of the members for Waterloo (Mr. Young) who, politically speaking, had only just escaped from his former chrysalis condition. (*Laughter.*) When there was even added to that the "high-falutin" expressions of the hon. member for Hamilton (Mr. Magill), whose speech might have passed for a Fourth of July oration, (*Laughter.*) he did not think that all these considerations together would induce the people of Canada to accept the opinion of the hon. members for West Durham and Lambton in opposition to those of the statesmen of Great Britain, with regard to the merits of the Treaty. (*Hear, hear.*) But it had always been so, as he had observed in this House, that, however important the subject under discussion, those gentlemen had always been ready to express opinions of the most dogmatic character, admitting in their eyes of no contradiction and no controversy. He had often been struck with the truth of the adage that "Fools rush in where angels fear to tread." (*Hear, hear.*)

**Mr. RYMAL:** Are you an angel? (*Laughter.*)

**Mr. O'CONNOR:** What were their objections, from their stand point, to the Treaty? The first in order and importance were to the fishery clauses. It appeared to him that those who were most earnestly opposing the Treaty, in relation to the fishery clauses, were those who understood least about the fishery business; and it seemed to him that when those who were most concerned in the fisheries expressed themselves in favour of it, it should go far to satisfy the country at large that there was nothing in the Treaty detrimental, but on the contrary that it was beneficial to that interest. (*Hear, hear.*) Well, supposing it was true—and he was not disposed to disparage the value of the fisheries, supposing they were of the immense value which the Opposition from Ontario had

lately found out they were—how did the question rest? Did not the Treaty provide for an equivalent to be determined in the only way recognized in modern times as the means of settling questions of that kind? Did it not provide a Commission in the nature of an arbitration to decide what amount should be paid by the United States as the difference between what they received and what they gained under the Treaty? There could be no more equitable or proper disposal of a question between two nations than by arbitration; and, as an arbitration was to decide what the equivalent should be, he could conceive of nothing fairer or more acceptable. (*Hear, hear.*)

The next point of importance was the navigation of the St. Lawrence. It had been stated that under the Treaty we ceded forever a great inheritance to a foreign country, that we yielded the control of our principal river and greatest highway to the sea. He had never in his whole life listened to greater nonsense than he had been compelled to hear in reference to this subject, or to a greater concentration of such nonsense than was contained in the speech of the hon. member for Durham West (Hon. Mr. Blake). Was not the St. Lawrence a great highway of civilization whose importance was increased in proportion as it attracted to it the commerce and shipping of the world? Was it not true that the shipping not only of the United States but of the world had the privilege of freely navigating that river subject to the regulation imposed by Canada and was it not time that our desire ought to be to increase that commerce as much as possible? Well, if that was the case, what had we given up? We were certainly in no worse position than before, and with regard to the United States we were in a better; for by the Treaty they acknowledged our sovereign right over the great highway; and was that not a better position in which to have the matter than when a year ago the President of the United States had in his message to Congress claimed an absolute right to navigate the St. Lawrence against our will? He was unable to see that here was any dishonour whatever in admitting the Americans to the rivers and canals on equal terms with Canadians. Had not Parliament been importuned time and again to enlarge those canals, and not only that, but to construct the Georgian Bay canal at a cost of fifty millions, and for what? Why, for the accommodation, not of the Canadian trade, but of the carrying trade of the Western States. Well, if that object was obtained by means of the Treaty, why in the name of Heaven should a howl be raised against it as opposed to the interests of the country. (*Hear, hear.*)

So, too, with the article relating to the coasting trade. If any advantage was to flow from it, he believed Canadian shipping would have it. He disagreed in total from those who believed that the fisheries and the navigation of the St. Lawrence should have been held as a leverage for obtaining reciprocity, because he believed it was impossible to secure a renewal of the Treaty of 1854.

Then as to the Fenian claims, he could not agree that it was the duty of the Imperial Government and the Commission because they

May 14, 1872

failed to obtain a recognition of those claims to refuse to carry out to a conclusion negotiations designed to secure the peace and welfare of the Empire. It was above all things necessary that the safety, welfare and prosperity of the Empire should be held in view, and then to arrange those claims between England and Canada in the manner which was thought most proper. He could not see that the surrender of the claims affected the honour of the country, or that there was anything dishonourable in Canada accepting compensation for them from the Imperial Government. He contrasted the opposition to the Treaty in this House with the opposition in the Imperial House of Commons; pointing out that while the superior minds which composed the latter placed the welfare of their country and the Empire above all party, the Opposition in this House composed for the most part of hon. members from Ontario, put party first and country afterwards. (*Hear, hear.*)

The objections that had been raised to the Treaty sprung purely from party—no, not party even, but factious considerations. If he were disposed to speak plainly, he would perhaps say something he ought not to say, but what had been fixed upon his mind by what he had heard delivered in this House for political purposes. He could not admit that those who acted in this manner were actuated by patriotic principles. Notwithstanding the veil they placed over themselves, notwithstanding the specious language in which they clothed their objections to the Treaty, he could observe clearly that there was a power behind them, which forced them into a position they would rather not occupy. (*Hear, hear.*) All their arguments and obligations were a rehearsal of what had appeared in the columns of the *Toronto Globe*, which was controlled by a man who misconstrued, perverted and falsified the language and provisions of the Treaty, in order to blast, if possible, the character of the First Minister (Hon. Sir John A. Macdonald) of the Crown in Canada. (*Hear, hear.*) That line had been followed up by the minions of that paper, not only through the country, but he might be pardoned for saying also some of them in this House; but notwithstanding all their venom the recollection of the First Minister would be cherished in the country by a grateful people, when perhaps barely a stone would remain to tell who and what the others were, where they died and what their insignificant names were. (*Hear, hear.*)

He had no doubt that future generations would see and acknowledge that the formation of this Dominion, the moulding of these Provinces into one compact country, was, to a great extent at any rate, the work of the master hand of the First Minister; that hereafter, when the Dominion became great, glorious and free in every respect, it would be regarded as an enduring memento of that hon. gentleman's genius, labour, honesty and patriotic endeavours, and that the writer of the history would only allude to those who opposed and slandered him in order to condemn their votes and their speeches in this House and the country. (*Cheers.*)

**Mr. HARRISON** said various opinions had been expressed on the matter, but everyone appeared to agree that the

importance of the Treaty to the future of the country could not be overrated. The discussions had taken a very wide range and he thought it would be well to define the question.

The Government had introduced the bill and moved the second reading to give effect to certain conditions of the Treaty, leaving the House unfettered to express its opinion on the merits. An amendment had been moved by the member for Durham West (Hon. Mr. Blake), the effect of which was to narrow that freedom of action which there had previously been in the discussion, because it unquestionably contained a censure on the Government. It was a mere party move in the interests of the Opposition, and its object was, if possible, to secure political capital in the coming election. It first embraced a profession of loyalty which always accompanied such attacks, then it alleged a general dissatisfaction with the Treaty throughout the country. This he denied to be the case. (*Cheers.*) Then it stated that there were just grounds for that dissatisfaction, and then it stated the grounds for that dissatisfaction. The hon. member for Sherbrooke (Hon. Sir A.T. Galt) had stated that he should vote against the amendment because it was an attack on the Treaty, and did not see how the gentlemen who proposed the amendment could afterwards carry the bill. That hon. gentleman, however, did not know as much of the Opposition as those from Ontario did. Those gentlemen got into power simply from their denunciations of the policy of the previous Government with regard to railway grants, and immediately on obtaining office shewed their disapprobation of that policy by increasing grants. The hon. member for Durham West, in moving his amendment, no doubt thought he was representing the feeling of the country; but the subsequent debate must have satisfied him that he had calculated without foundation. Fearing this, he backed down, and there was a new amendment to the effect that it was inexpedient further to discuss the bill at the present time.

The truth was that it was inexpedient to proceed with the first amendment for fear it should be voted down by an overwhelming majority. He thought, however, that as there seemed to be some likelihood of the Treaty being opened, it was the duty of the House to express their honest convictions so as to influence those who might be called upon to amend some of its provisions. He did not think the Treaty either so good or so bad as it had been represented; but in any case the Canadian Government was not deserving of censure, but he must condemn the Imperial Government and he believed the honour of England had been tarnished. An effort had been made to make the Premier responsible for everything objectionable in the Treaty; but he maintained that he was purely an Imperial Commissioner responsible to the Imperial Government and responsible only to that House in so far as he was acting in unison with the Canadian Government.

He knew that the member for Lambton (Hon. Mr. Mackenzie) disputed that position, but he would endeavour to illustrate his meaning. That hon. gentleman occupied the position of Treasurer of Ontario and at the same time he was President of an Insurance



Company. Those positions were entirely distinct, and though there might be some desire to benefit the latter, yet the hon. gentleman was in no way responsible to the company for what he did as Treasurer. (*Laughter.*) In the same way he thought it most unfair that the Premier should be held responsible to a House which did not appoint him, and they ought to endeavour to throw the responsibility on the right body. The hon. member for Lambton had referred to the fact that the expenses of the Premier were paid out of the Canadian exchequer. That was a small matter and could not alter the question, but he agreed that the expenses ought to have been borne by the Imperial Government, and such not being the case was an instance of the peddling policy of the Manchester School at home, and he had before stated, if it were possible he would most heartily join in any movement that would defeat the Gladstone Ministry.

Coming to the Treaty, the matters involved were the Alabama question, the Fenian Claims, the St. Lawrence and the fisheries. He believed that the fisheries were of very great value to Canada, both as a matter of present gain and future profit and he agreed with a statement made in a report of the Government of Canada in 1866, which, after mentioning that the annual take of fish amounted to four or five millions of dollars, employing upwards of 20,000 men and boys, observed that "it formed a nursery for hardy seamen which would tend to make British North America the predominant maritime power of the Continent." He also agreed with the view that no foreign power could interfere with our fishery rights without our consent. The only right the United States had to our fisheries was under the Treaty of 1818, under which Great Britain gave the Americans the right to fish on certain of our coasts forever, and to dry their nets and cure their fish on certain portions, and the consideration was an absolute renunciation by the United States of any previous liberty to take or dry fish within three miles of any coast or bay. This meant all bays, and the words within three marine miles could only mean from a line drawn across the bays. Our contention in this respect was not acquiesced in by the United States. Various causes of dispute arose, and from day to day causes of irritation and annoyance arose, likely to be productive of ill-feeling instead of that friendly feeling that all were so anxious to see existing between Great Britain and the United States.

He denied that the people of Canada had ever shown an unfavourable feeling to the people of the United States. What were the facts? In the protection of the fisheries we always acted with great liberality; so much so that our own people complained that they were not properly protected, and during the American war we discharged our international obligations in a way that was an honour to our country and to civilization. We gave up raiders; we prevented raids; and where money was lost by raids from our territory we took the earliest possible opportunity of restoring it. On the other hand they (the Americans) complained of that Empire of which we were proud to form a part, that it allowed the Alabama to escape. But the moment it became known to the Government of

England that the vessel was intended for hostile purposes, the Government took measures, though too late, to prevent her escape. The United States made a demand as early as 1865 that England should be liable for the depredations, but the English Government maintained that they had discharged all their obligations with due diligence, and refused even to submit the matter to arbitration; but afterwards for the sake of peace they were found ready and willing to arbitrate. The feeling that arose in the United States was so bitter that the Reciprocity Treaty was put an end to.

That people of the United States thought that in doing this they would ruin Canada, and would perhaps force her to enter their Union, but the effect was exactly the reverse; for instead of making us craven it had made us self-reliant; and instead of shutting us out of all channels of trade we had found out new channels; and it had tended more than anything else to consolidate the British American Union, and to make us one people from one ocean to the other. It would, of course, be beneficial to have reciprocal trade, but he did not believe that we would get that trade by begging for it. Let Canada show to the United States that she could live without her, and though the present financial requirements of the United States made free trade entirely out of the question, the day would come when it would be the interest of both people to have reciprocity in trade.

The hon. member for Sherbrooke (Hon. Sir A.T. Galt) had said that the true policy of the Government of this country in regard to the fisheries was the licensing system, and had expressed his regret that that system had been abolished. That system was tried and found wanting, and had they continued it they would have been found wanting in their duty and their honour. In 1866 there were 354 licenses issued; in 1867, 281; in 1868, 51; in 1869, 25; and yet hundreds were fishing in our waters without leave or license because the rule and policy of exclusion was forced upon us. He had shown as briefly as possible the anxious desire of the people of Great Britain and Canada for friendly relations with the people of the United States. He had shown their efforts to discharge honestly and faithfully international obligations.

He proposed now to look at the other side of the question to see whether they were met in a corresponding spirit by the people of the United States. The Fenian question had cropped up again and again, and was a sore question because the people of this country, as a unit, felt that the Imperial Government had not dealt as they ought to have done on that question. He was sorry to hear the Secretary of State for the Provinces (Hon. Mr. Howe) use language as a palliation for the crimes of those men. He did not think he intended to do so and was glad that he had renounced any such language. In 1865, while we were struggling to do all that we could to have a friendly feeling between the two countries, while Great Britain was doing all she could to bring about and continue a good feeling, the Fenian organization was warmed into life in the United States to attack Canada—a country in no way

May 14, 1872

concerned in the disputes existing between England and Ireland. These men were drilled in open day, uniformed and commanded by American officers, and everything was done to bring upon them, the influence of the Government of the United States.

What did that Government do? Nothing at all; or, if anything at all, it was to encourage them. They were allowed to come to our country in 1866, to land on our soil, to desecrate it by shooting down our young men, some of them leaving widows and children. Young men of our universities, of the highest social standing and promise, were shot down by those so-called citizens of the United States; and General Barry, who endeavoured to discharge his obligations of humanity, and to prevent that raid, was rewarded by dismissal. Our Government at that time was not idle. They made remonstrances to the Imperial Government and demanded that reparation should be had, and that security should be guaranteed for the future, and did all that could be done in order that they might have redress for that outrage.

All knew from the correspondence in their possession that our Government, through England, had brought the question before the United States. There was the Alabama question and the Fenian question, the latter involving the friendly relations between Canada and the United States. Great Britain had not insisted, in regard to the Fenian matter, upon proper reparation. She had not pressed our claims for redress for the past and security for the future, as Great Britain used to do in times gone by, when other men were in power.

In 1869 England consented to refer to arbitration the questions she had refused so to do in 1865, and how was she met by the United States? The Senate of that country rejected the Clarendon-Johnson Treaty, rejected the advancement of England to secure a continuance of friendly feelings between those great powers. During all that time they had the use of the Canadian canals on the same terms as the Canadians used them. How were they treated when in an emergency they required to use one of the American canals? The House would remember, the *Chicora*, how she was stopped when she attempted to pass through the Sault Ste. Marie canal and the difficult position Canada would have been in had not the Algoma previously gone through; but no man could blame the Canadian Government for the course they had taken. No man could read the correspondence without a manly pride. Never had a colony spoken to the Imperial Government as ours had done, and never before had there been necessity for a colony speaking as on that occasion. He then quoted from the correspondence, calling attention to the strong language used by the Canadian Government and the mere expressions by the Imperial Government in reply that the United States would do their duty. He could see no allegation in that correspondence that the Imperial Government had demanded reparation for the past, and maintained that any Government using the language

that the Canadian Government did, did not deserve censure but praise.

He then referred to the mission of the Hon. Mr. Campbell to England, and the speech of President Grant of 1870, which he characterized as an election speech, a mere election cry, the meaning of which the gentlemen on the opposite side of the House knew quite well. He thought everyone in Canada had read that speech with indignation. He quoted from the President's message, in which certain rights were claimed for the Americans, and said that the people of England, not understanding the value of election cries, had been affected by this demand, thinking it serious and earnest. It would have been more dignified on their part if they and had not opened the negotiations, but left it to the United States, if they desired the privilege to open the negotiations themselves.

He then referred to the Fenian claims, and maintained that in order to remove all complaints and all causes of misunderstanding, they should have been included in the reference to the Commission. The first proposition made by the Imperial Government was to refer to it all questions between the United States and Canada affecting the friendly relations of the two countries. There was a point beyond which, if a nation went in its anxiety to secure friendly relations, it insulted the honour of its people, degraded itself and made itself contemptible in the eyes of the country with which it was treating. Well, the United States, instead of refusing the proposition or attempting to narrow it, proposed to enlarge it. The British Government accepted that, and it was agreed that all questions which had irritated them in the past should be referred to the Commission. He could not imagine that at that time it was the covert intention of the people of the United States to exclude the Fenian claims, and he was certain that if such had been known to be their intention, the Imperial Government would not and dared not have gone on with the negotiations. (*Hear, hear.*)

The anxiety England had displayed to establish friendly relations was shown by the concession she had made with regard to the fisheries. Then as to the St. Lawrence, England had always contended that the portion which ran between the Canadian shores was not a common highway; and again with regard to the Alabama claims, she had always held that she had done no wrong and could not be held responsible for the escape of that vessel, in which view he thought she was right. Upon both these points, however, she had given way, in order to bring about friendly relations.

As to the new rules of maritime laws established by the Treaty, he could not but regard them as unsound in their application to the Alabama case, for why should the acts of a national in 1868 be judged by rules framed nine years afterward? He then passed on to the examination of the instructions of the Commissioners, holding that they had no discretionary powers, that they had to act under the commands



of their Government, and that the view taken by the hon. gentleman opposite would not for a moment prevail. The Commissioners were plenipotentiaries, and for every thing they did, any wrong done in the Treaty, the Imperial Government was alone responsible. Even if the Commissioners could be held responsible, a position which he altogether denied, it would be absurd to hold one of them responsible for the acts of the whole five.

There was a remarkable thing to which he wished to draw attention; that the instructions given by the Imperial Government to its Commissioners differed essentially from the instructions given by the United States Government to those who represented it. The Imperial Government had given full power to its Commissioners to discuss all subjects referred to them, all questions the settlement of which was necessary to lead to an understanding between the two countries. The commission of the United States Commissioners empowered them to meet the British Commissioners and discuss the mode of settlement of the different questions to come before the Commission, but when the Fenian claims were brought up they said that they could not discuss them. There seemed to have been a discriminating power given to the United States Commissioners which the British Commissioners had not. The British Commissioners were to discuss all questions affecting the friendly relations, and the Commissioners of the United States were only to discuss such questions as the Government of that country might bring before them, and we all know the use that had been made of that.

He referred to the despatch of the 16th February, 1871, from Lord Kimberley as to the desire of England to concede a great many points in order to secure those friendly relations. In that despatch it was stated that although American fishermen could be excluded from resorting to Canadian ports under the Treaty of 1818, except for certain purposes, yet Her Majesty's Government felt bound to state that it was an extreme measure, inconsistent with the policy of the Empire, and they were disposed to concede the point to the United States. They had thus characterized the right they had to insist upon the terms of England's bargain for the protection of her own territory, as an extreme measure, and they had expressed a willingness that the matter should be discussed and decided. He did not understand that any objection had been made by hon. gentlemen opposite to the composition of the English Commission or to the want of ability on the part of any of the Commissioners.

He alluded to the events of last session, when the resolutions of the hon. member for Sherbrooke (Hon. Sir A.T. Galt) were under discussion, when no question of that kind was raised. On that occasion the hon. member for Durham West (Hon. Mr. Blake) had stated that nothing should be said or done which might embarrass our representative, so that the House not only apparently observed the appointment of the Commission but allowed the Premier to go without limitation of any kind upon his actions. He did not know whether the Commissioners had read each others' commissions or not; probably they believed that they met on equal terms; but he

contended that they did not meet on equal terms. While the Commissioners of Great Britain were there to settle all questions, the Commissioners of the United States were there to settle all questions referred to them by their Government. Besides that, there was this point: that while the Treaty would be binding on the Government of England, there was the necessity for the approval of the United States Senate in order to make it binding on the United States. Meeting on those terms it was not surprising that there should have arisen disagreement before they went very far.

In the Alabama question he thought we were as much interested as any portion of the Empire, if not more so than the British Isles themselves. He found that England, who in the first instance had refused to leave to arbitration the question of due diligence, that England who had always maintained that she had used due diligence, had commenced proceedings with an expression of regret for the escape of the Alabama. Perhaps there was not much in that, because Earl Russell had stated again and again his regret for the escape of the Alabama; but why should it be brought out so prominently in the Treaty? The people of the United States through their Commissioners had looked upon this expression of regret as very satisfactory, as a token of kindness; and they had shown their appreciation of that by endeavouring to get enormous damages for consequential injuries.

Some hon. gentleman had said that they would be glad if in consequence of the complications on that point the whole matter fell through. He would be better pleased if they agreed to wipe out the whole thing—to clean the slate and begin again. He did not think there was any fear of war. He thought that after the experience we had had of Commissioners met together, all matters could be settled, and in a more satisfactory manner than by the Treaty as it now stands. (*Hear, hear.*) The attempt of the United States to force upon England those exclusive indirect damages, was a proof that they took all they could get, and were anxious to get a great deal more, desirous all the while of gaining every point, and apparently conceding none.

He considered that the *ex post facto* agreement which he had before alluded to was very objectionable. During the war between Prussia and France, arms were exported from Great Britain to France. They were exported as articles of commerce. Prussia found fault, but Great Britain contended that she had a perfect right to sell those arms, that there was nothing in international law to prevent that, and therefore she refused to admit that she had done wrong. Supposing a difficulty were to arise between Prussia and England, and England were to say it is true that when she sold those arms according to our views of international law there was nothing wrong; however, we now admit that it was contrary to the rules as now laid down, and we will have our conduct of 1870 judged by the rules of 1872. He thought the principle was vicious, and that under it the weaker power had to submit to the stronger. He did not admit that England was a weak power, but he contended that she had acted in this matter under weak counsels.

Some people had agreed that we had gained a great deal by the establishment of this rule of "due diligence," that it would prevent

May 14, 1872

Fenian raids in future; but he did not think that it applied to Fenian raids at all. It was restricted entirely to the escape of vessels. It said nothing as to the escape of men. We were not to be consoled with the idea that this *ex post facto* agreement imposed the obligation of the United States to prevent Fenian raids. It was not calculated by its language to do anything of the kind.

When the United States Commissioners refused to include the Fenian claims in the subjects for discussion, he thought it would have been better for England to have broken off the negotiations. A government that was not willing to concede a thing so plain, while they were pressing the Alabama claims could not be expected to do otherwise than take advantage of us in the other questions. He did not think that all the other questions would have remained unsettled if the Fenian claims had been pressed. On the contrary he thought that all would have been settled, and it would have been better for the British Commissioners, one and all, to have taken the stand that, according to principles of international law, it was clear that those claims must be taken into account. If that course had been taken, there would not have been the difficulty that had since arisen about the omission of the Fenian claims. Then the British Commissioners said that under the circumstances they would not further urge a settlement of those claims. He argued that the Alabama and Fenian claims were in part alike, there being in each case direct and consequential damages, and one rule should have guided both cases.

It being six o'clock the House rose.

## AFTER RECESS

**Mr. HARRISON** continued: Before recess he had criticised the portions of the Treaty relating to the Alabama claims and the sacrifices made by Great Britain. It might be said that those sacrifices were sentimental only, but in all probability there might be material sacrifices. He did not, however, wish to be understood as harshly judging the Mother Country; for it must be borne in mind that the sacrifices were prompted in a great measure by consideration for Canada, which would be the battle ground in the event of war, and if there had been sacrifices Canada could not complain because she had not been called upon to contribute.

But there was one omission of which Canada had a right to complain—the withdrawal of the Fenian claims. The Imperial Government expressed the hope that the United States would observe their international obligations, but that was fruitless. The raids of 1866, 1870 and 1871 were all led by the same man, who received no punishment, or very slight.

The proposition made by the Postmaster General (Hon. Senator Campbell) was that the Imperial Government should insist on reparation by the United States, or that she would herself assist us to bear the burden. That Government withdrew the claims, but it was not settled forever; it still remained open between England and

the United States, and in the event of further negotiations he hoped that the claims would be pushed. He referred to the speeches of Lord Granville and Mr. Gladstone, showing that the claim was still valid as between England and the United States. Great Britain, however, agreed to bear a portion of our burden, and she had done it in a most liberal way; for while the rate-payers of England had nothing to pay, the guarantee was of none the less service to Canada, for it not only saved a very large amount in itself, but would enable Canada to float the whole loan at a much cheaper rate than she otherwise could. In addition to this, there was a moral as well as a material support.

The Government was formerly blamed for not sending in their claim, and now they were blamed by the very same men for obtaining compensation for that claim. No doubt it would have been more satisfactory if we could have had some apology from the United States, and some assurance for the future, but that could only come through England, and England had decided not to press the matter at present. He maintained that the Canadian Government had done everything they could in the matter. It might be said that there was no guarantee for the future; but it was only the English Government that was in a moribund state, and he believed the heart of the British people was still in the right place, and that Canada would never have to ask for protection in vain.

If gentlemen opposite thought that there was no protection in the British flag, of course their only alternative was to seek it in some other flag. They could have the Stars and Stripes (*No, no,*) or the flag of Independence (*No, no,*) or the flag of the great Liberal party of Ontario. (*Laughter.*) Under the latter flag they could have plenty of mottoes, they could have "No Popery," "No Separate Schools," "No Orangemen," "No Coalitions," "No Government but a Grit Government." "No enlargement of our canals." (*Laughter.*)

He recognized, however, the objection that it was the Dominion not the Ontario Government that was concerned in the present matter. A vote of censure was proposed on the Dominion Government. What was that Government? It was the Government that made Canada what she is to day. It was the Party of Progress. It had done more in five years than perhaps any other power had done in fifty. (*Cheers.*) The Party in opposition had opposed everything the Government attempted, and the one being the party of progress, the other must be the party of obstruction, for the greater part of what had been accomplished since Confederation had been accomplished in spite of the hon. gentlemen opposite.

To refer to the navigation of the St. Lawrence, the only question was where it ceased to be a boundary between the two countries. The United States had always contended that the river should be a highway from its source to its mouth; and any one looking at the map must be impressed with the thought that nature intended it to be the great highway of the West. He would have been better satisfied if the navigation had been ceded without any question of equivalents, for it could then have been used as a precedent in other cases which could not be done now. As to the rivers Yukon, Porcupine and Stikine, they knew nothing about them. He



considered the St. Lawrence their Jordan, and knew nothing of the rivers of Damascus. Reference, however, was made to the Treaty of 1825, by which Canada seemed to have as much right to those rivers as she would under the present Treaty. He could not quite agree with the member for Peel (Hon. Mr. Cameron) that the cession of Alaska by Russia destroyed all the previous Treaty rights. England had, however, always contended that war between the two countries put an end to the existing Treaties, and in that principle the war between Great Britain and Russia must have ended the rights under the Treaty of 1825.

**Hon. Mr. MACKENZIE:** What about the Treaty of Paris?

**Mr. HARRISON:** The rights might have been renewed under that Treaty.

**Hon. Mr. CAMERON (Peel):** They were not renewed under the Treaty of Paris, but under the Treaty of 1859.

**Mr. HARRISON** said that in any case it was not a matter of consequence, for the use of those rivers was not equivalent to the use of the St. Lawrence.

There were, however, other equivalents. There was the navigation of Lake Michigan for a number of years; there was the boundary system; there was the relaxation of the navigation laws which was a most important concession. These privileges were, however, subject to two checks: the first the use of our canals, and the second the export duty on timber. This matter had been dealt with by the Imperial Government and the Canadian Government had nothing whatever to do with it. As to the use of the canals, Canada would derive great good from their being used by the Americans, as the revenue would be greatly increased.

He would now come to the Fishery clauses. The 18th gave the Americans liberty to fish in the disputed limits. The 19th gave Canada the right to fish in American waters; and the 22nd provided for the payment of any difference in value. It had been objected that these were not perfectly fair and just. But there was another privilege. The 21st clause provided that fish and fish-oil should be admitted into both countries free. Of course it would have been better if the reciprocity had gone further, and included coal and salt. Referring to the statement that the Premier made, that the action of the House last year prevented that reciprocity, he maintained that if there was any blame it must be shared by the Government, for they were in daily communication with the Premier and ought to have stated the consequences to the House. He believed that the benefits the Maritime Provinces would derive were very considerable, and he had no doubt they would be well able to compete with the American fishermen, and their satisfaction with the matter was proved by the absence of opposition expressed by the members from those Provinces.

As to a surrender of territorial rights, there was no more surrender than there was in the Treaty of 1818, or in the

Reciprocity Treaty. The privilege was only for twelve years, and at the end of that time, if Canada continued to make the progress she had made during the past five years she would be a power more worthy of respect and would be ready and willing at any time to bear her portion of the responsibility of the Empire. If the people of the Maritime Provinces were satisfied with these clauses, why should those from Ontario object? Further, they must not overlook the collateral advantages, the bonding system and the relaxation of the navigation laws.

If it was the policy of the Empire that the Treaty should be adopted, Canada, as a part of the Empire, must adopt it. He would have been better pleased to see it amended or entirely changed, but so long as it was the policy of the Imperial Government, it would be very unbecoming for Canada to resist it. Canada made no sacrifices but even if she had to do so, it would be her duty to do it under the circumstances. What value would the fisheries be without the protection of the Imperial authorities? None at all. Canada would be unable to hold them and she could not expect Imperial protection if she flew in the face of the Imperial policy and raised a question likely to cause a rupture between England and another power.

There was no reason why nations, like men, should not settle disputes by the rules of reason, and he trusted that the Treaty would be a precedent for the future, not only to the two nations concerned but also to the nations of the whole world. They had a large part of the continent in their charge and invited immigrants from all parts of the world. They offered them land, the giving away of which did not impoverish them while it enriched those who received them. They would live in the country and bring with them much additional wealth. What was true of the United States was true of this country. We wanted immigrants, but they would not come unless there was some guarantee of peace; war would drive them away. It was our policy and our interest to have peace, and he looked upon the Treaty as a happy omen of the reign of peace. For this reason he intended to vote against the amendments of the hon. gentlemen opposite and for the second reading of the bill. (*Cheers.*)

Before closing he would like to say a word about the attacks that had been made upon the leader of the Government. He was sorry that that hon. gentleman had replied to those attacks at all; but he felt that after all, the hon. gentleman would have been more than human if he could have avoided alluding to the bitter charge that had been made against him for many months past. If there was one man who was above seeking popularity, if there was one man more than another to whom we were indebted for Confederation, if there was one man more than another who had laboured for the success and prosperity of the Dominion, through good repute and ill repute, Hon. Sir John A. Macdonald was the man, and it was only party prejudice that made his assailants blind to his merits, and caused them to abuse him as they did. (*Cheers.*)

May 14, 1872

Two years ago when he lay ill at death's door, the feeling of the whole country was aroused. His threatened death was regarded as a national calamity, and when he finally recovered the feeling of gladness and gratitude was almost universal. (*Cheers.*) He (Mr. Harrison) was not going to catalogue the virtues of the Government, but in other respects there was aptness which in the interest of the country ought perhaps to be made eternal. Our finances were well managed, our militia, our public works and all the other departments of the Administration were well managed. The result was general prosperity. The whole country was blossoming like a rose and the people were satisfied because the right men were at the helm of affairs. He admitted the necessity and usefulness of an Opposition, and their right to criticise every Executive, but they had no right to borrow from the criminal vocabulary, to put up jobs and make base charges and assertions when there was no ground for them. All the gentlemen on the Treasury benches were, he believed, well qualified for their position, and he thought that the interests of the country would be best served by keeping them there. (*Ministerial applause.*)

**Mr. CAMERON (Huron South)** did not agree with the argument of the hon. member for Toronto West (Mr. Harrison), in denouncing the conduct of the British Government. He conceded with his hon. friend that every possible exertion had not been made in pressing our rights. He referred to the withdrawal by the British Commissioners at the request of the American Commissioners of the negotiations for obtaining the coasting trade of United States, the registration of vessels and other matters all of which, he said, were withdrawn upon the Americans declining to entertain them. The question was not whether they would accept or reject the Treaty.

He protested against the repeated assertions that opposition to the Treaty all came from Ontario, and alluded to the speech of the member for Inverness, Nova Scotia (Mr. Cameron). That gentleman had been interested in the fisheries for years, but was opposed to the Treaty. If there was likely to be any misunderstanding as to the interpretation of the Treaty he thought that the House should be informed of it. He quoted from an English paper to show that the English people doubted the good expressions of the United States unless they were supported by substantial documentary proof. He was of opinion that the American Commissioners had obtained an advantage over the British Commissioners in dealing with the tariff last year, and generally reviewed the discussions of the Canadian Parliament on that subject during last Session. He looked upon the free admission of the Americans to our fisheries for the term of twelve years as a practical cession of them by Canada for ever. He characterized the Treaty as having been framed in a careless manner, and felt sure that it would lead to further complications.

He admitted that England had done a good deal for Canada, but in all cases where she had given any guarantee it was on stipulated conditions, and cited the Intercolonial loan as an instance, and while they should accede as far as possible to the

demand of England they ought not to forget that they have neighbours who are not to be trusted on all occasions. In his opinion the more the Americans get, the more they want; and he quoted from the New York Tribune and other American papers to show that they looked upon the Treaty as a step towards the annexation of Canada.

He thought that the Treaty was indefensible on its merits, and could only be argued apologetically. He read an extract from the *Toronto Mail*, which he characterized as the special organ of the Government, but which, in his opinion, concurred in the views expressed by the member for Sherbrooke (Hon. Sir A.T. Galt) a few evenings previously. He thought that no party should be so proud of their leader as the gentlemen on the opposite side of the House; but he regretted the tone of the remarks of that hon. gentleman during the debate in denouncing all who did not accept the Treaty. He would support the amendment of the member for Oxford South (Mr. Bodwell); and, if that should fail, for the amendment of the member for Durham West (Hon. Mr. Blake), or any other motion the object of which would be to defeat the Treaty.

**Hon. Mr. TUPPER** could not but feel that he would ill discharge his duty if, upon so momentous a question, he did not give to the House the views he entertained. The hon. gentleman who had just taken his seat had stated that his constituents were strongly opposed to the Treaty, but he (Hon. Mr. Tupper) thought that both the House and the country should not look upon the great question under discussion from a party point of view.

If there ever had been a question submitted to the Parliament and people of Canada which ought, from its very character and nature, to have elevated the statesmen of all parties and classes from mere low, grovelling or party grounds, it was the question under discussion. It was not a question of party in Canada any more than it was in England. What was the case there? A member of the late cabinet had been invited by the Government of the day to give his assistance and co-operation in reference to the Treaty, and he had given his services as freely and unreservedly as if he had been called upon by the Government of which he was a member. When the Treaty was submitted to Parliament, great as the opportunities were for the Opposition to deal with it, they forgot what was due to party, looking only to what was due to their common country.

Reading the proceedings which had taken place in the Imperial Parliament, what did they find? A common sentiment of joy and satisfaction pervaded both sides of the House, on the amendment by the Premier that the cloud which had overshadowed these proceedings was to be dispelled. Not that gentlemen on both sides of the House in the Imperial Parliament regarded with the same favour the general features of the Treaty, but because men of all parties felt that whether it was perfect, or imperfect, there were general leading features in it which commend it to the candid consideration of all men.



It was only a few years ago that the great country lying against Canada was engaged in a deadly struggle. The South had risen, and the North were prepared, at any sacrifice of blood and money, to preserve the Union intact; and, when engaged in that deadly struggle, it became known that the cruisers were being built in Great Britain for the purpose of taking part in that struggle. Representations were made to the Imperial Government, and they put forth their hand to prevent the departure of those vessels. Subsequently, however, the Alabama escaped, and in order to avoid the possibility of further difficulty, they themselves purchased the other vessels. Was it wonderful that this admission on the part of Great Britain should have excited a people, who had felt that their struggle had been increased in its intensity, and should cause them to demand redress from a Government, whose want of vigour and effect had exposed them to so great and increased danger? Nor could England turn a deaf ear to a demand for reparation made by forty millions of people, lying alongside of Canada. At the time the Johnson-Clarendon Treaty was rejected, the United States took the attitude that they had an undoubted claim, and intended to hold it back until circumstances best suited their presenting it against England; that they would treasure all their wrath against a day of wrath, that when England was engaged in some Continental struggle the United States would find their opportunity of enforcing what they considered their just claims against England. That view, and a knowledge of the fact that England had a weak point on this continent, had undoubtedly influenced the Imperial Government in endeavouring to bring the question to a final and amicable settlement.

Great and important as the Treaty was to the British Empire at large, it was far more so to Canada; and he believed it was not alone important to England or Canada. He looked upon it as a gigantic stride in the progress of civilization. England having admitted, as she did admit, that she had a duty to perform in reference to these cruisers she was not humiliated by the expression of regret which formed a part of the Treaty. He thought that England would be amply repaid for any cost or trouble she had been put to in the settlement of these questions, by the establishment of that new principle of international law which is to govern such matters in the future. It had been said that there was humiliation. If there was humiliation on one side, there was the same on the other. He had said that Canada had no small interest in this matter.

He would not repeat the elaborate argument that had been used by the First Minister (Hon. Sir John A. Macdonald), showing the great value of this Treaty to us; but we must look at our position. While Canada was united with England, he believed that we could defend ourselves against any power that would be brought against us; but, when we looked at the great strength of the country near us, that while England could bring all her great naval power to bear and would come out of the struggle in a manner without discredit, everybody knew that we would not be able to live out such a struggle, except with the same gory fields that had destroyed France; and it would ill become Canada, regarded as she was by England as a vulnerable point, at such a time to raise our hands and

say, "We think you have humiliated and disgraced yourselves, and we will be no party to this Treaty which you have made."

But it was not only a question of peace or war. Everybody knew that no country in the world had a deeper interest than Canada had in the relations between England and the United States; everybody knew that a mere cloud of war between those nations would strike a fatal blow at our credit, that would stop that bright career of prosperity which we now enjoyed.

He would now refer to the point more immediately under consideration—the fishery articles of the Treaty. The Treaty provided that that portion of it which dealt with the property of Canada should receive the sanction of the Canadian Parliament. There could be no question that we were offered the free and unrestricted right to decide on the question. There could be no question that England, while she had exhibited the deepest anxiety in this matter, while she had shown for long years the greatest anxiety and the greatest apprehension in relation to anything that could involve us in trouble with the United States, it was at the same time—as had been stated from the Throne itself, and from the independent benches of both Houses of Parliament—beyond doubt that Canada had the full and unrestricted right to decide for herself in the matter. But was the fact that no pressure had been brought to bear upon us to prevent us from giving that consideration to the question which the interests of the Empire required? Was that a reason why we should treat with contempt and indifference the great and vital interest that England had in the decision at which we arrived? While we come to the consideration of this question in a free and unrestricted manner, he had no hesitation in saying that the man who wished to preserve the connection between the Crown and this country, who valued the inestimable privilege we enjoyed, should come to the consideration of this question, feeling that, although we had the choice in our own hands, it could not be approached without the conviction that every word that was uttered in this House that was calculated to irritate and annoy the English Government would tend to lessen or to shake the tie upon which our future greatness and prosperity depended. (*Hear, hear.*)

We should not forget that this question of the fisheries for fifty long years had been a constant source of irritation to England, from the war of 1812. From the time of that war, which did away with the former Treaty, from that time to the present there had been constant difficulties and annoyances in relation to this question. They had not only been a subject of controversy, but that controversy had drawn us into the very verge of war. He asked the House if, under these circumstances, when we were only small, disjointed and weak Provinces, England threw her mighty arm over us, and our property, and gave us her protection—he would ask if that formed no claim to consideration, when she was prepared to ask us to accept a proposal that she believed was the best consideration she could obtain for our fisheries? He would not follow fully the various arguments that had been used on both sides of the House. He was satisfied that the House and the country could not be more convinced of the soundness of the position of the Government in asking Parliament to ratify the Treaty than by the

May 14, 1872

able and exhaustive speech of the First Minister (Hon. Sir John A. Macdonald).

Notwithstanding the labours—able of course—but laboured efforts of hon. gentlemen opposite to criticise that speech, he considered that they had been fully replied to, and he would not go into them at any length.

He would refer to one point however. It had been said that his hon. friend the First Minister had thrown a doubt over our position in relation to the fisheries. He had no hesitation in saying, and no one had followed that hon. gentleman's remarks more closely than he had, that he had been entirely misrepresented. It would be impossible without the greatest perversion of language to draw such a conclusion from his remarks. He (Hon. Sir John A. Macdonald) had said that pretensions had been set up by American jurists of no mean standing, whose opinions had received a certain amount of consideration from the press of the United States; but he had not uttered at any time a single sentence that would lead to the belief that he doubted the entire sovereignty of this country over the inshore fisheries. But everybody acknowledged that the Government of the United States had now admitted our rights in a fuller degree than they had ever done before, not only by their offer to admit the products of our fisheries into their markets free, in consideration of these fisheries, but by their leaving it to an independent arbitration to say how much they should pay in addition for such privilege. Whatever question of doubt, therefore, might have been raised, had now been set aside.

It had been alleged that we were ceding territorial rights for a money consideration. There never was a more unworthy attack made to influence the minds of the people of this country than the attempt made to show that this was a question of ceding territorial rights for money. He would refer to the State papers which had been brought down to show the position the Government had taken on this question, and which the hon. gentlemen opposite had signified their approval of. It had been called a "capitulation," but the same page of the Treaty which gave the people of the United States the right to enjoy the inshore fisheries, contained a concession of precisely the same character on the part of the people of the United States, and they had ceded their territory to us as much as we had to them.

What strengthened his confidence in the wisdom of the course pursued by the Government was the entire absence of argument in the speeches of hon. gentlemen opposite. In all they had said upon this subject they had not addressed themselves to such arguments as sensible men would have urged in grave matters of international policy; but had resorted to quibbles of a character so contemptible as to be altogether unworthy of the attention of an intelligent deliberative assembly. (*Hear, hear.*) He would not attempt to follow them by exposing the absurdity of those quibbles, nor to intimate the hon. member for Peel (Hon. Mr. Cameron) who, in his eloquent address which had so charmed the House, let a flood of daylight into the sophistries of the hon. member for Durham West (Hon. Mr. Blake), and thoroughly established their fallacy. Nobody who had listened to that hon.

gentleman could fail to see, as his argument proceeded so logically from point to point, that that which had been presented to the House by hon. gentlemen opposite as an astounding discovery proved to be nothing more than the most idle vapouring, entirely unworthy of the consideration of the House.

They had spoken of the article of the Treaty affecting the navigation of the St. Lawrence as something like a mighty surrender of the river. Well, what did that surrender amount to? What was Canada really parting with? What did the House understand as to that point, after all the laboured efforts that had been made to provide that the St. Lawrence ought not to be surrendered? Did not hon. gentlemen opposite know that as long ago as 1826 the United States had demanded the right to navigate the river; that they had put forth this claim, not in the shape of a privilege which they were asking, not as a concession which should be granted to them, but as a right to which they were entitled; and when it was refused by England as a right, as hon. gentlemen would see, it had been refused by referring to the State papers on the subject, the United States declined to accept it as a concession? In what position were they now? Were they any better than before? The concession, if concession it could be called, had been made; but they had been compelled to acknowledge, by giving reciprocal privileges to Canadians, that they had not a right to the St. Lawrence.

Hon. gentlemen opposite said that what the Americans conceded was of no advantage, because there was no value to Canada in the navigation of the rivers of Alaska, and that it was conferred in any case by the old Treaty with Russia. But he held that, if that Treaty was still binding a hundred times over, the article in this Treaty was nevertheless, of substantial value, because it coupled with the right to navigate the St. Lawrence the right also to navigate the rivers of the Territory of Alaska. It thus showed, and would always continue to show, proof of the fact that what the United States asked from Canada on the one hand, they were obliged on the same paper to give to Canada with the other. If it was then yielding a privilege to admit them to the free navigation of the St. Lawrence, they were committed to the same policy by giving us the same right in regard to the rivers he had mentioned. These were the quibbles with which the House was entertained in the absence of all argument on the part of the hon. gentleman opposite, in reference to this important question. (*Hear, hear.*)

It had been stated by the hon. member for Peel (Hon. Mr. Cameron), in the course of his speech, that the Treaty of 1871 conceded less to the United States than the Reciprocity Treaty of 1854. He (Hon. Mr. Tupper) dared say that this had taken many by surprise; but the hon. gentleman had good reasons for saying what he did. Hon. gentlemen opposite had said that the right to navigate the St. Lawrence was the only lever, or one of the principal levers we had, in order to effect reciprocity; but whatever lever we had for application in that direction was not in the use of the river itself in its natural state, but in the use of the canals which rendered the navigation practical. Well, it was



to be observed that the canals which the Treaty of 1856 had given up to the use of Americans were preserved by the Treaty of 1871, to be used by the Canadian Government and people as a lever for obtaining reciprocity at such time and in such a manner in future as might be considered advisable. (*Hear, hear.*)

He would now come to the question of the fisheries, that other lever which was to be used in conjunction with the St. Lawrence to obtain a Reciprocity Treaty, and he would ask how gentlemen who talked so lightly about this question, if they quite understood what the free entry of fish and fish oil into American markets meant? If anything could enlighten the House upon that point it was the intelligent and interesting argument which was presented to the House last night by the hon. member for the county of Halifax (Mr. Power). The hon. gentleman had imparted an amount of information upon the subject which the House had listened for in vain from other hon. members, and he had been able to do so for this reason; he (Hon. Mr. Tupper) was bold enough to say even in the presence of active and enterprising members who more particularly represented the fishing interests in the Province of Quebec—there was not perhaps a man in the whole of Canada who was better acquainted with the question, or who was a higher authority in every thing that related to it, than the hon. gentleman who had made a colossal fortune out of the fisheries. He stood in the position of a man who had devoted his whole life to enterprises connected with the fisheries of the Maritime Provinces, who had given them his most careful study and attention, and who had become possessed of every information concerning them. When he, therefore, told the House that the Treaty, instead of being a sale and betrayal of our fishery rights, was a measure which would enrich the fishermen of the country, promote its prosperity, and increase its happiness in every way, he (Hon. Mr. Tupper) will place that statement against the random assertions of hon. gentlemen opposite. (*Hear, hear.*) It was indeed a more convincing argument that the right step had been taken than anything that was in his (Hon. Mr. Tupper's) power to say.

Hon. gentlemen opposite affected to treat this matter of the free entry of fish and fish oil into the United States as insignificant, and dealt with it as if it amounted to nothing in considering the advantages and disadvantages of the Treaty. But what were the facts! Why, that the fishermen of the small Province of Nova Scotia, with a population of about 350,000 altogether, had been compelled in consequence of the duties levied upon their fish in the only market which was available for them, to remit last year to the United States by way of duty, no less than the sum of between \$500,000 and \$600,000. (*Hear, hear.*) The removal of the duty would give relief to that extent to the fishermen of Nova Scotia, and that was the mode in which the fisheries had been "sold," and how had the cry upon that point arisen?

Everybody knew that the member for Durham West (Hon. Mr. Blake) had sounded a note of alarm last year, and endeavoured to agitate the people of this country in regard to the Treaty, and he (Hon. Mr. Tupper), would have a word to say as to the time and manner in which this work of agitation had been commenced and

carried on. The hon. member for Lambton (Hon. Mr. Mackenzie) had repudiated a statement that had been made by the First Minister (Hon. Sir John A. Macdonald), in which it was charged that hon. gentlemen opposite had followed in the wake of the *Toronto Globe* in opposing the Treaty; that, instead of having opinions of their own upon so great and important a subject, there was a power behind them which marked the course they should pursue; that they were unable to resist this influence, and that, if it were not for its imperious exercise, they would not be found in opposition to the Treaty to-day. The hon. member for Durham West had adopted the same line in relation to that statement; but what were the facts?

Let him (Hon. Mr. Tupper) examine them for a moment, for they were of the deepest possible significance. The hon. member for Durham West had declared that the Opposition was prepared to pursue a patriotic course in relation to this question, and that it would have come to the support of the First Minister if he had refused to carry out a negotiation which was injurious in its effects to the interests of this country. That statement sounded very well, and he (Hon. Mr. Tupper) had no doubt from the sincerity of tones in which it was made that the hon. gentleman had brought himself to believe that such would have been his course in the House if the First Minister had acted in that way. He thought, however, that the history of the case would scarcely bear out that assertion.

On looking into that history what did they find had happened? In the month of May the *Globe* newspaper published a statement that the Treaty had been signed, and on the 13th it published the Treaty *in extenso*, together with an editorial, which contained the patriotic and significant remark "that the whole question was now before the country," and that it "trusted it would be discussed in a manner free from partisan bias and worthy of its great importance." He did not pretend to quote the exact language employed, but he did not overstate its nature when he said that it was in a high degree patriotic. Soon, however, the *Globe*, with far-seeing eyes discovered clouds on the horizon, first in one direction and then in another. An election was pending in Nova Scotia, and the party there which was opposed to the Dominion Government was taking ground against the Treaty. The Legislature of New Brunswick was in session at the same time, and on the first flush of the moment without waiting for full information on the question, it came to a hasty and very strong decision, condemning in advance the provisions of the Treaty. That took place on the 18th and on the following day, the 19th, the *Globe's* patriotic aspirations in reference to the mode in which the question should be approached and dealt with were scattered to the winds; and then came out an article of a column in length, in which the most fiery denunciations possible were showered on the Treaty. Up to that time the hon. members for Lambton and Durham West had been silent on the subject.

**Hon. Mr. MACKENZIE:** No.

**Hon. Mr. TUPPER** insisted that it was so; and that, if the hon. Gentleman examine the papers in the library, he would find that the statement was borne out by the record. The speech of the hon. member for Durham West, in which he announced his opposition to

May 14, 1872

the Treaty, was delivered on the night of the same day that the *Globe* came out in its denunciation. He thought that was the true account of the matter, and if it was the case—

**Hon. Mr. MACKENZIE:** No; it is not the case.

**Hon. Mr. TUPPER:** If that was the case, the hon. gentleman did not deserve much credit for patriotism, either in treating the question in the first place, or for their proffer of support to the Government, provided a different course had been pursued. (*Hear, hear.*) The hon. member for Durham West had said that, as the Government had expressed its disapproval of the Treaty, the Opposition, by making those speeches at that early period, desired to give the Government information, that they were one with it, and that, if it rejected the Treaty, it might rely upon their support.

He (Hon. Mr. Tupper) thought there was room for very grave doubts on that point; for when his colleague, the Minister of Public Works (Hon. Mr. Langevin), went down to Quebec, and in a public speech there stated that the Government had protested against the Treaty, what had happened? If there was any sincerity in the statement of the hon. member for Durham West, if he and the *Globe*—that great organ of the opinions of hon. gentlemen opposite—felt anxious, as was pretended, to strengthen the hands of the Government in resisting this great injustice to the country, what would they have said as soon as the announcement of the Minister of Public Works was made? They would have said, “Thank God the country is saved. We found the Government was committed to the Treaty, but now we are glad to find that it is free and untrammelled, with perfect liberty to deal with it as in the interests of the country may be deemed best.” Was that what they said? No, far from it; but the hon. gentleman went back to his newspaper, and the moment it was found that, to a certain extent, the hands of the Government were tied, and that it would not announce itself as opposed to the ratification of the Treaty, a column of violent abuse appeared, in which the Government was assailed for pursuing what was called a “vacillating course” in relation to the question. (*Cheers.*)

Instead of treating it as a cause for congratulation by the country that the Government was protesting against Canada being compelled to make concessions without what was considered a just equivalent, the hon. gentlemen opposite showed their animus against the Ministry, and proved that it was not so much the rejection of the Treaty as the opportunity to use it, as they had used everything else that had come to their hands, however gigantic might be the interests asserted, and however deeply these interests underlaid the safety and welfare of the union, and the prosperity of this Dominion. They wanted to employ it as an engine for accomplishing their own political purposes, irrespective altogether of the good of the country; and they played fast and loose with the question, dealing with it not as it would serve the interests of the people of the Dominion, but as it would give them the chance of aiming a deadly blow at those to whom the administration of affairs in this country was committed. (*Cheers.*)

The hon. member for Durham West had said, in relation to the fisheries, that their value was about several millions. He (Hon.

Mr. Tupper) would ask the House to examine with him for a moment whether their value had been lessened or increased by anything contained in the Treaty. He admitted, indeed he had no hesitation in saying that, when the Treaty first appeared there was a feeling of disappointment among the people of the country which was shared in also by the Government, because there was not a renewal of the reciprocal arrangements of the Treaty of 1854. Everybody knew that that Treaty had been beneficial to this country; and that, in a still higher degree it had been beneficial to the people of the United States; and there was a general desire that there should be a renewal of arrangements that had proved so materially advantageous.

When the Treaty of last year was first published, then, it undoubtedly excited a good deal of disappointment in that respect. What were the reasons that had caused this failure to obtain what so many in both countries thought desirable? It seemed to be forgotten to a great extent by the press and the people in discussing the question, that, between 1854 and 1872, a great change had taken place in the relative commercial positions of the two countries. Everybody knew that the right of the Americans to fish in our waters, granted in '54, was at that time an extremely valuable concession, an enormous one, indeed, which had greatly increased the prosperity of the American fishing trade, there being then no duty to lessen the competition of fishermen of the Maritime Provinces.

But what was the case now? Was not everybody aware that it was entirely different? Why, upon the terms on which the right was granted—the condition that the duty on fish should be removed, and Canadians admitted on an equal footing to the American market—where were the fishermen of the United States? Was it not known that they were almost in a state of overt rebellion? The hon. gentleman had asked for proof that they were opposed to the Treaty. Well, the proof, there was plenty of it, was to the fore. Public meetings had been held in Boston, as well as throughout the fishing districts, at which Congress had been memorialized to prevent this injury from being done to the American fishing interest. It had then also been placed on record that the Treaty struck a fatal blow at that interest, inasmuch as, while in 1855 American fishermen were able to compete with Canadians, because they had no high taxes to pay, and the cost of outfit was much less than at present, the war and the burdens it had left behind had so changed the position in relation to this question, that every Canadian fisherman, who had the fish in the sea at his own door, without the advantages of cheap vessels and cheap equipment had, if he belonged, as no one doubted, to the same courageous and adventurous class as the Americans, entered into the competition with an advantage of 10 or 50 per cent in his favour. (*Hear, hear.*) That was the ground the Americans had taken, who were most concerned in this interest; and he (Hon. Mr. Tupper) would ask if there was a man in this House, no matter from what Province he might be, whether from Ontario or Quebec, Nova Scotia or New Brunswick, who would say that the Canadian fisherman was deserving of any consideration, if he was not able with that premium in his favour to meet the competition not only of the United States, but of the world? (*Hear, hear.*)



Why then, instead of the Treaty surrendering our fishermen and fisheries to the destructive competition of the foreigner, the result would be—and mark his words, the facts would soon show it—that the American fishermen who employed their industry in the waters of Canada would become like the American lumbermen who engaged in that trade in the valley of the Ottawa; they would settle upon the Canadian soil, bringing with them their character for enterprise and energy—and splendid industrious men they were—would become equally good subjects of Her Majesty, would give this country the benefit of their talents and their enterprises, would infuse some of their indomitable spirit into our people. (*Cheers.*)

Was there anybody who could doubt as to the effect of removing the duty which was now levied of two dollars per barrel for mackerel and one dollar for herrings; of taking off this enormous bounty in favour of the American fishermen, and leaving our fishermen free and unrestricted access to the best market for them in the world? Was there any one to doubt that the practical result would be to leave the Canadians, in a very short time, almost without any competition at all? And yet, hon. gentlemen opposite pretended to believe that the Act which would produce such a state of things as that was a surrender, a “base surrender” if the House pleased, of our rights in the fisheries of this country.

The newspaper press of Canada, and especially the press representing hon. gentlemen opposite, had for a long time held out the idea that Parliament and the Government must protect the poor struggling and industrious fishermen of Nova Scotia and the other provinces against the operation of this Treaty, which, it was held, would be ruinous to them in every way. Gradually, however, light began to break in upon them, until at last they discovered this extraordinary fact, that while the clauses of this Treaty which related to Canada were by every intelligent fisherman to be a mighty boon, as something which would take the taxes off them and relieve them from hundreds of thousands of dollars tribute that they were now compelled to pay to a foreign nation, the fishermen of the United States were, on the other hand, just as much averse to the Treaty as our own people were anxious that it should be carried into effect. (*Hear, hear.*)

How different would the future be under this Treaty from what it would certainly be if the present state of affairs were to continue. What was the result before? Why, many of our fishermen were compelled to go to the United States, abandoning their homes in Canada, in order to place themselves upon an equal footing with the Americans; and not only was their industry lost to this country, but they went to man the American navy, so that the very bone and sinew of the Dominion were placed in a position in which, in case of a collision, they would be compelled to act against us and against the country which had given them birth. (*Hear, hear.*)

It was hardly necessary that he should refer at greater length to a point in regard to which our interest was so plainly marked out; but he would say a word or two upon a remark that had fallen from the hon. member for Lambton, who had asked the Minister of Justice (Hon. Sir John A. Macdonald) why it was that the seaside fisheries, which were so valuable, had been given up, while the fresh water

fisheries had been preserved; and also why fish from the one was to be free of duty, while fish from the other was not. If the hon. gentleman would take a trip to the Maritime Provinces, where they did not see so much of him as they would desire to see of one who was so distinguished among the public men of Canada, he would probably be able to learn something upon this and other points which would be advantageous to him. The fisheries of the Great Lakes and those of the sea were entirely distinct, and had been so dealt with in the Treaty, for this reason, that to a great extent the products of the lake fisheries were sold as fresh fish in the United States, upon which there was no duty levied.

**Hon. Mr. MACKENZIE:** No, no.

**Hon. Mr. TUPPER:** More than that. The system now adopted by the Americans to some extent was to employ in addition to the inshore fishermen, who were engaged in the ordinary trade, middle men who bought up the fish in their fresh state, packed them in ice, and sent them off to the American market while still in that condition; so that it was quite possible that, while there was no duty on fresh fish, salt fish would be liable to an almost prohibitory duty. It was easy to see, therefore, why principles apparently antagonistic should have prevailed in the Treaty. The hon. gentleman from Huron South (Mr. Cameron), who had spoken so forcibly tonight had said he would like to know what explanation the Commissioners could give for refusing to accept free salt, free coal, and free lumber from and after 1874, and their subsequent acceptance of the less liberal offer.

The answer was a very simple one, and had already been fully given to the House. It was not necessary that he (Hon. Mr. Tupper) should add a single word to what had been so eloquently said in reference to his hon. colleague, the First Minister; but after all that had been said by hon. gentlemen opposite, as to the mode in which he had discharged the great duty and trust committed to him, he could not refrain from making some allusion to it. He did not believe, notwithstanding all the complaints that had been made, that there was a single man of character among those who sat opposite, who, if his Sovereign had tendered to him an invitation to serve upon that Commission, would have felt for a moment that there was any feeling of patriotism, any sense of public duty, which would make him shrink from accepting the commission, or restrain him from discharging the duty it involved. (*Hear, hear.*)

He would go even a step further, and say that he had too high an opinion of the patriotism and loyalty of hon. gentlemen opposite, at least the leaders of them, to suppose for a moment that there was a man of character amongst them who would assume the responsibility—the grave and serious responsibility—of saying that the members of that Commission should have undertaken to question the instructions which, under the weight of the authority and sanction of the Crown, had been sent out from England, as the result of the best deliberations of the English Government, and as to what was best for the safety and welfare of the whole Empire; or he would say further, that, if the question had been put to the Commissioner from this country in this manner, “Will you sign this Treaty, to which the entire people and press of England attach the

May 14, 1872

most vital consequences; which is regarded as being of the utmost importance for the future well-being of the whole Empire, provided everything to which you take exception is left to the decision,—whether to accept or approve, to confirm or reject—of your own free, unrestricted, and uncontrolled Parliament”? Supposing the case had been put in that way, he had too high an opinion of the hon. gentlemen opposite to believe for an instant that he could find a man in their ranks who, in any such great crisis in the affairs of his country, and having regard to the momentous question not only of the important relations with a foreign power, but of the relations of this colony with the Mother Country, would, if he had been in the position of a Commissioner, have taken the fearful responsibility upon his head of saying, “Even though you do reserve to our Parliament a final decision upon the matter, I will refuse to sign the Treaty, although it may be fatal to the hopes of a friendly settlement of questions between the two countries, may be expected to place the Empire in peril, and may throw England back, and destroy all hopes of a peaceful solution of existing difficulties.” (*Cheers.*) He (Hon. Mr. Tupper) did not believe there was a man amongst them who would be willing to have assumed such a load of responsibility. If there was, he assured that that man would not, on his return, have received an enthusiastic reception from the people of this country but rather that the finger of scorn would have been pointed at him as a traitor, not only to the highest and holiest interests of the Empire, but a traitor to the people of Canada as well. (*Loud cheers.*)

The member for Huron South (Mr. Cameron) asked the meaning of the refusal of free coals, and free salt, and free lumber, after 1874; and yet the acceptance of free fish and fish oil at a later period. The matter was perfectly intelligible. The hon. gentleman complained that he did not find arguments in the protocols on the matter. He could not know the facts. He could not know that the protocols were not prepared till the last thing, so as to give the general principles on which the results were based. The hon. gentleman ought to be satisfied with the extract from the speech of the chairman of the Commission, quoted by the Minister of Finance (Hon. Sir Francis Hincks), showing that reciprocity had been struggled for in the most determined way possible, and had only been given up when nothing more could be done. A good deal had been said about the “national policy,” and he might say that gentlemen opposite had not the excuse they had urged for their action in that matter. Hon. gentlemen opposite treated the fisheries as of little value.

When he, night after night, struggled to get Parliament to adopt the principle of protection, he had always maintained, as he did now, that there was nothing more necessary to the prosperity of the country than reciprocal trade with the United States, and it was under the impression that, in the discharge of his duty, he struggled with the Government and Opposition, and combined with hon. gentlemen opposite who, he thought, were acting in good faith, to endeavour to secure the adoption of the policy which he considered the only means to secure reciprocity. When the President of the United States was opposed to reciprocity and that it would be purely in the interest of Canada, he (Hon. Mr. Tupper) felt that it must be obtained by

the rigid exclusion of Americans from Canadian fishing grounds. That exclusion was tried, and then, when there was every indication of success, gentlemen forgot the duty they owed to their country, and, in combination with those who had been most loud in favour of that policy, struck it down.

Hon. gentlemen demanded why they were not told by the Government what the effect of their action was on the Commission. The Government had it not in their power to give such information. What they knew was in the strictest confidence, and they could not state it without bringing dishonour and discredit on the First Minister. He desired to vindicate the Government from the charge of having failed in their duty in this matter, and he was reminding hon. gentlemen opposite that he stood up in his place and implored them to hold their hands from a policy so suicidal; stating that every one must know that the question of the fisheries would be considered at the conference; and that as Canada wanted reciprocal trade so much, and as that was what the First Minister was struggling for he asked hon. gentlemen if in that crisis they were prepared for the mere purpose of obtaining a temporary triumph over the Government, to reverse the policy that had been so successfully instituted. But his appeal was in vain; and it was no wonder when the news came that the action of the Canadian Parliament had entirely changed the aspect of the matter in the United States that the offer previously made was withdrawn.

If the hon. gentlemen wanted to know why the First Minister did not accept the offer when first made, it was this: He said—“You ought to give us more. You gave us more in 1854. If you want the same privileges you then enjoyed you must give us more.” But when the hon. gentleman was making a gallant and probably a not ineffectual struggle to advance the great agricultural interests of the Province, hon. gentlemen opposite combined to strike down his hand. He had then to adopt the Treaty and to take the responsibility of striking the deadliest blow possible at the interests of the Empire. He was in favour of the Treaty, because it was the only means left to obtain reciprocal trade, by allaying all enmities between the two countries. This was already found to be the result, and everyone who had visited the United States since the ratification of the Treaty came back in favour of it, for the reason that there was a wonderful difference in the state of feeling in the United States towards Canada. All the acrimonious feeling that formerly existed had been allayed.

Let hon. gentlemen study the proceedings of Congress and they would find the same change evidenced there. The member for Durham West stated that, if Canada had continued the policy of exclusion, the American fisheries would very soon have utterly failed, and they would have been at our mercy. This was a great mistake. Last summer he went down in a steamer from Dalhousie to Pictou, and fell in with a fleet of thirty American fishing vessels which averaged 30 lbs. of mackerel in three weeks, and had never been within ten miles of the shore; and



from this the member for Durham would see that the exclusion of the Americans was not quite as efficient as we imagined.

**Hon. Mr. MACKENZIE** asked whether they were within the headlands.

**Hon. Mr. TUPPER** said he could not speak as to that; but the question was altogether a captious one, for it was well known that the headland limit had not been enforced for years. He maintained that the member for Durham West gave us the whole argument when he spoke of bounties being necessary to enable the Americans to compete with the Canadian fishermen. If however, the hon. member would read the proceedings of Congress, he would find that the question of bounties had been scouted from the very first, and that it was admitted on all hands that a system of bounties was utterly impossible; but further, the highest system of bounty would be \$400 to a vessel, while the relief would amount to \$1,200; and therefore the bounty could not, under any circumstances, do away with the advantages on the side of Canadian fishermen. He again referred to what he termed the unpatriotic action of members last year.

**Hon. Mr. HOLTON** thought the hon. gentleman was out of order in reflecting on the action of the House.

**Hon. Sir JOHN A. MACDONALD** said it was not out of order, for the action of the House was always open to appeal.

**Hon. Mr. TUPPER** said he was quite satisfied to find the hon. gentleman acknowledge that a reference to his former action was a reflection.

**Hon. Mr. HOLTON** said, however that might be, the hon. gentleman assumed the responsibility of that action.

**Hon. Mr. TUPPER** said that was under compulsion. If hon. gentleman would read a statement recently made by the chairman of the Committee of Ways and Means of the United States they would see that it would be impracticable for the United States to adopt a policy that would counteract the advantages derived by Canadian fishermen. He would now ask hon. gentlemen to turn their attention to the effect of the Treaty on the shipping interest of the country. The member for Halifax (Mr. Power) had told them that he went to visit a fishery in which he was concerned, when the Treaty of 1884 was in force, and found that, out of the forty or fifty vessels, scarcely one was American; but that on another occasion, after the abrogation of that treaty, among an equal number of vessels, scarcely one was Canadian.

It must be remembered that our marine amounted to a million tons, and the House would see that, whether in connection with the fishery or the ship-building interest, the value of the Treaty could not be over-rated. He would now refer to the state of public opinion in Nova Scotia. When the Treaty first became known the Nova Scotia Government put a very strong resolution in their journals. Since then the Treaty

had been promulgated to the world, and had been read by every fisherman in the Province, and now the same House had been in session for over two months, and there had not been one word of disapproval of the Treaty. He believed that the feeling in Nova Scotia was that Parliament could not inflict greater wrong on them, and could not paralyze their industries more than by refusing to ratify the Treaty, which promoted and protected the great national industries without injuring a single interest, or being counterbalanced by a single drawback; and that a refusal would also tend to prevent the obtaining of reciprocity in the future.

He was not so well prepared to speak as to New Brunswick; but the same thing took place there. The New Brunswick Legislature at first strongly opposed the Treaty, but though they had now been six or eight weeks in session, there was not a single hostile resolution on their records. As to Prince Edward Island, the Treaty was as good as accepted.

**Hon. Mr. MACKENZIE** asked whether they had repealed the former resolutions.

**Hon. Mr. TUPPER** said he would not detain the House further, and regretted that he had trespassed so long at so late a stage of the discussion; but the question was one in which not only the interests of Nova Scotia and New Brunswick and the whole Dominion were concerned, but also the interests of the Empire, and he would not have done justice to himself if he had not given utterance to his views. The hon. gentleman took his seat amid loud cheers.

**Mr. JONES (Halifax)** said he was obliged to ask the indulgence of the House at this late hour, while he referred to the arguments of the hon. gentleman who had just sat down (Hon. Mr. Tupper). He would say, in the first place, that he desired to approach the consideration of this subject in a manner worthy of its importance. He would further say that he came to the House in full expectation of being able to sustain the Government in the course they had taken in the earlier part of these negotiations, when it was made known through official and semi-official sources what was the course the Government were taking. He shared the views they then expressed, and up to the present time he had seen no reason to change his opinion. The hon. gentleman who had preceded him, as well as others on that side of the House, had sought to convey the impression that the adoption of this Treaty was in the interests of permanently peaceful relations between the United States and the Empire.

He might refer by way of illustration to the celebrated Tichborne trial. The claimant brought witnesses to prove his pretensions; but when he was put in the witness box himself, his case broke down. So it was in the case of the Ministers. When their own statements were placed in evidence against their present arguments, it might be held their case had broken down. The argument that the Treaty was in the interest of

May 14, 1872

peace was contradicted most emphatically by the despatches of the Government. (*Hear, hear.*) In their minutes of Council of the 28th of July last—and when they penned that they knew the provisions of the treaty just as well as they do now—they knew then as well as now whether it was in the interests of peace, whether it was for the interests of the Dominion, that it should be accepted—yet in that minute they state as a reason why they could not accept the treaty that the principal cause of difference between Canada and the United States had not been removed by the treaty but remained a subject for future anxiety. He answered the hon. gentleman out of their own mouths. The last speaker had referred to the remarks of his colleague from Halifax (Mr. Power) respecting the advantage the treaty would have conferred upon the fishing trade of Nova Scotia had it been in operation last year. He stated that in that case Nova Scotia would have saved between \$500,000 and \$600,000 on the duties on herrings and mackerel which had been sent to the United States.

He (Mr. Jones) held in his hand the trade and navigation returns for the past year, which he presumed were tolerably accurate. He found from this document that the total amount of pickled fish—herring and mackerel and alewives—sent into the United States last year was 47,000 barrels, which, at \$2 a barrel, would be \$94,000, instead of \$600,000 as claimed by the hon. gentleman opposite. (*Hear, hear.*)

The hon. President of Council (Hon. Mr. Tupper) also stated that the treaty of 1854 was a great boon. Well, no one denied that; but contrast that treaty with the present treaty. Under the former one, agricultural products, our coal and lumber, were admitted free of duty into the United States. How different was this from the present treaty! The same hon. gentleman stated as one reason why this Treaty must be a good one for us that the American fishermen were opposed to it. The hon. member for Durham West (Hon. Mr. Blake), the other night, speaking on this point had hit the nail on the head. He stated that the reason why American fishermen opposed the Treaty was that Gen. Butler had gone down to Gloucester and harangued them, telling them that now was their time to wrest from Congress what they had long wanted, namely, a system of bounties and the bonding of their supplies. That was the sole course of their outcry against the Treaty, and the Minister of Justice (Hon. Sir John A. Macdonald) knew it very well, and he (Mr. Jones) had grave apprehensions that such a policy would be adopted by Congress. Of course they would not do so while the Treaty was pending but when this Parliament accepted the Treaty then would be their time to grant bounties to their fishermen, and to allow the bonding of their supplies.

The President of the Privy Council (Hon. Mr. Tupper) had contended that the admission of American fishermen into our waters would not destroy the value of our fisheries, but the reports of the Minister of Marine and Fisheries (Hon. Senator Mitchell) had told a different story. He gave the value of the fisheries before and during the Reciprocity Treaty, and showed

conclusively that if we had adopted an exclusive policy after the abrogation of the treaty, we would now have had control of the American markets. The House was told that the arbitrators appointed to decide upon the relative value of our fisheries and the American fisheries would pay us what we lost in giving up our fisheries; but the very first question that would have to be decided before they could estimate the relative value was where were they to draw the boundary line of our fisheries, whether from headland to headland, or along the coast? If the former, of course our fisheries would be greatly increased in value; but how were the arbitrators to decide? It was, therefore, of the very greatest importance that the High Joint Commissioners should have settled definitely the question of headlands, so that the arbitrators would have had a basis on which to make their valuation.

The hon. gentlemen opposite, particularly the Premier, had stated that the American markets were the only markets we had for our fish. He had not had the pleasure of listening to the speech of his colleague from Halifax (Mr. Power); but he understood that gentleman had given some figures to show that a large portion of our fish was sent to the United States. He was not aware from what source that gentleman drew his information, but he felt it his duty to be as correct as possible and he had taken the trouble to consult the public documents for 1862, 63, 64 under the Reciprocity Treaty, and also after that Treaty in 1869, 70, 71, when the United States imposed duty on our fish. He found that under the Reciprocity Treaty only about 7 per cent more of our fish went to the United States than when the duty was imposed.

The American fishermen stood in a very different position from our fishermen in many respects. In the first place they had larger and better vessels, larger outfits, larger capital, and they had in operation a system of mutual insurances. They had the additional advantage of being able to fish all the year round. Our fishermen fished in the early part of the year only; but, after the mackerel fishing was over in the fall, the American fishermen went off to the banks, and caught halibut and other fish, which our fishermen could not do. He would tell the hon. gentleman why. If he were to send his vessel there he would have to sell his cargo wholesale, and would not be able to pay the expense of taking it to market. But those people had a market at their own doors. The American fishermen thus had the advantage over ours. They were able to earn during the winter season what would pay their expenses all the year round, and that was a very important consideration. The hon. gentleman had referred to the position of the American markets during that time. Within the last two years so great had been the increase of American fishermen, since the war, since they had gone back and engaged in old pursuits, that fish had been cheaper in Boston than Halifax, and there had been large imports from Boston, and the West Indies markets had been trading from Boston instead of Halifax. If the hon. gentleman understood the matter as he did he would see those people would come with better appliances



and they would compete with us as they had during the last two years in the markets of the West Indies.

If under his views we would gain a trifle in the American market—even supposing such things were correct, which he contended were not—we would more than lose the advantage in our trade with other countries. We had exported last year 163,000 barrels of pickled fish, only 45,000 of which went to the United States; and if American fishermen competed with us they would send their fish to the West Indies and decrease the price more in proportion than what the hon. gentleman claimed we would gain by having their markets.

It was said our fishermen were in favour of the Treaty. He denied it. (*Hear, hear.*) Many of them were, but he utterly denied that the majority of the people of Nova Scotia favoured it. He did not mean to say that every man who was in favour of it was an annexationist, but he did assert that every man in Nova Scotia who was an annexationist and looked forward to early political connection with the States was in favour of it. (*Hear, hear.*) And they were right enough from their point of view, because they argued, if you give those people the water they will soon own the land. If our fishermen were not so much opposed to the Treaty as he thought they ought to be it was because of the argument of hon. gentlemen opposite, to the effect “in the interest of the empire;” and “England would not protect us;” and “we had better take a loaf than no bread;” and that if they did not accept this emasculated arrangement, which just condemns themselves, the Americans would get the whole—those were the circumstances under which these men were not all satisfied.

But fish was not all Nova Scotia produced. She had great mineral wealth, and her coal interest was of even greater importance than her fisheries, yet this had been entirely overlooked. Those interested in the case said and with very great force, that if the Government had been earnestly desirous of reducing the duty on coal, they would have avoided the seizures which they made during last year. From the moment the schooner Horton was recaptured by the Americans and towed into Gloucester, whatever chance existed for the reduction of the duty on coal and lumber was lost. The hon. gentlemen opposite and the Minister of Justice especially had asked hon. members not to put troublesome questions, not to suggest doubts with reference to the Treaty; yet the hon. member for Peel (Hon. Mr. Cameron) in his brilliant address had left an impression on the House that Americans almost had a right to the Fisheries, because they had enjoyed them for 17 years longer than they had been excluded from them. He (Mr. Jones) took a directly opposite view of the question. His colleague referred last night to one argument in favour of the Treaty, that trade to Cuba would be injured by its annexation to the United States. The hon. gentleman should know that we are obliged to pay a duty on goods exported to that island, double that on the same goods exported to the United States:

therefore trade would hardly be injured by the annexation of the island.

The hon. member for Lanark North (Hon. Mr. McDougall) had referred to the fact that Prince Edward Island and Newfoundland had accepted the Treaty; and New Brunswick and Nova Scotia had not apparently been very warmly opposed to it. The hon. gentleman had also sought to create the impression that the Government of New Brunswick were acting in concert with the Clear Grit party when they took the step they did in communicating with the Government of Nova Scotia on the subject. The resolution of the New Brunswick Legislature was passed on the 18th February, while the High Commission was sitting, and when it was thought that the opinion of the Legislature would strengthen the hands of those who had charge of our interests; they accordingly telegraphed to Newfoundland, and as the latter had no interest but the fishing interest to consider, they replied that they were well satisfied to leave the matter to England, for the reason that she had left them to exercise their own discretion and free will on the subject of entering the Confederation or not. That was a very good reason for Newfoundland, because she had been accorded a privilege which had been denied Nova Scotia.

He might here remark, as an instance of the singular inaccuracies and want of information which characterized the whole negotiation, that the important interest of seal fishing had been entirely unprovided for in the Treaty. The Governor of Newfoundland made a communication to Earl Kimberley, enclosing a copy of a minute of the Council of the Local Government on the subject. That minute of the Council was not among the papers submitted to the House. The reply of the Government of Prince Edward Island was worthy of attention, because they occupied a position precisely similar to that of Nova Scotia. The people of Prince Edward Island had valuable fisheries, but they said they were in the hands of the Americans already; and the agricultural product of that Island far exceeded the value of the fisheries.

The people of Prince Edward Island had precisely the same interest in the fisheries as we had, but they were willing for Imperial interests alone to agree to what was asked of them by the Government of England. The people of Prince Edward Island did not adopt the policy of the Canadian Government and say, “Give us so much money for our rights and we will ratify the Treaty.” (*Applause.*) No; they took a higher and more manly and national view of the case; and pursued a course which contrasted most favourably with that pursued by the Canadian Government. (*Applause.*) The people of Prince Edward Island were not willing to put their loyalty into the English market and have it quoted at any figure. (*Hear, hear.*) On the contrary, they were willing to make a sacrifice for the Empire, though the Treaty did not give their agricultural interests the market in the United States which they had under the Reciprocity Treaty. A minute of Council, dated July 25, 1871, from the Lieut. Governor of Prince Edward Island to

May 14, 1872

Lord Kimberley, would show the position in which that Island stood, as follows:—"It is stated in the minute that the different Governments and Legislatures of this Colony have always hoped that these fisheries (the fisheries of Prince Edward Island) would have done much to secure the advantages of another Reciprocity Treaty, or of some tariff concessions authorize the free admission into the United States of the products of our agriculturists, who form the majority of our population, and which would have resulted in promoting the prosperity of the Colony; and that, in the opinion of this Council, the inhabitants of Prince Edward Island are now asked to surrender to the citizens of the United States these invaluable fisheries without receiving in return any just or fair equivalent, such as was hoped to be obtained."

The people of New Brunswick from the first had been entirely opposed to the Treaty, and the Legislature of that Province, as well as the Lieut. Governor, had spoken of it in the strongest terms of denunciation. (*Hear, hear.*) The people of New Brunswick, Prince Edward Island, and Newfoundland did not accept the Treaty in the spirit in which this House was asked to accept it. (*Hear, hear.*)

Under those circumstances he felt as a representative of Nova Scotia, that, however anxious he might be for the establishment of reciprocal trade relations with the States on fair terms, he was not willing to give the United States everything that we had to offer as an inducement for reciprocity. If we gave them permission to fish in our waters

we put them in competition with our own fishermen, and reduced the value of the fish. He stood here not to represent one country or one province, but the whole interests of the Dominion. (*Hear, hear*) and in that capacity he would feel it his duty to vote against the ratification of the treaty. (*Applause.*) He denied that this treaty was calculated to settle all disputes between Great Britain and the United States, and he said that, if trouble arose at the present time between England and America, the latter would not ratify the treaty, and if we pressed it we would receive a snubbing for our pains. In the interest of the Dominion, and in the interest of all its products, he considered it would not be for our advantage to ratify the treaty at the present time. (*Applause.*)

**Mr. KILLAM** would vote for the fishery clauses of the Treaty; and thought that a majority of the representatives of Nova Scotia would favour its ratification as the best means of securing peace between the two countries.

**Hon. Mr. HOLTON** moved the adjournment of the debate.

**Hon. Sir JOHN A. MACDONALD** would not oppose the motion, coming as it did from so distinguished a member of the House as the hon. member for Châteauguay; but he hoped that the debate, which had now lasted some days, would terminate tomorrow, and wished that it should stand first on the orders of the day.

The House adjourned at 11.50.





May 15, 1872

## HOUSE OF COMMONS

Wednesday, May 15, 1872

The SPEAKER took the chair at 3.20 p.m.

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*Prayers*

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## ROUTINE BUSINESS

## NEW BILL

Mr. HARRISON introduced a bill to incorporate the United Dominion Sugar Beet Root Growers and Manufacturers' Company. Read a first time.

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## THE TREATY OF WASHINGTON BILL

The orders of the day being then called, Hon. Mr. HOLTON resumed the debate upon the second reading of the Treaty measure. He said that, in a very few observations which he proposed to address to the House, he would avoid, as far as possible, travelling over beaten ground; and indeed in the present condition of his health, and at this stage of the debate—this being the fifth night of the discussion—he would gladly avoid addressing the House at all. But the supreme importance of the subject, and his somewhat peculiar relations to it and the Government alike, forbade that he should give an entirely silent vote upon it. In alluding to his somewhat peculiar relations to the question, he would refer to the painful necessity he found himself under to separate himself from those hon. friends from Ontario with whom he usually acted in this House. (*Hear, hear.*) In stating the reasons for the vote he proposed to give, he would not allow a word offensive to the hon. gentlemen from escaping his lips, while he would claim for himself that credit for motives of patriotism which he was willing to accord to them. (*Hear, hear.*)

Among the members who had addressed the House from that side on this subject he stood almost alone. He thought, as an original friend of the Treaty; and he had been a friend of it, not because he regarded it as a perfect measure, a perfect instrument, for it contained many things which he would gladly have seen omitted, and there were many things omitted which he would gladly have seen dealt with; but on the whole it constituted, in his judgment, an earnest and hopeful effort to settle long outstanding difficulties between the Empire to which we belonged and the great neighbouring Republic. (*Hear, hear.*) Holding that view, in spite of all objections he perceived in the details of the Treaty, he had

accepted it from the earliest moment. He had communicated his views to his hon. friends in the west, and he had in every circle, social and political, in which he had mingled, expressed the views he entertained upon this subject from the start with the utmost freedom. He had not, therefore, come down to the House with new light upon the question. If anything could have shaken the convictions he had formed upon it, it would have been the masterly speech of his hon. friend from Durham West, a speech which, upon the whole, he did not hesitate to pronounce to have been the most powerful that had ever been delivered in the Canadian Parliament.

In much of what the hon. gentleman had said, showing the manner in which the Government had dealt with the subject, he (Hon. Mr. Holton) went with him heartily; but he could not go with him on the reasons and arguments he had advanced against the essence of the Treaty itself. (*Hear, hear.*) He (Hon. Mr. Holton) supposed it would be admitted on all hands that this was not a treaty to which Canada would have become a party as an independent country. It would also, he thought, be admitted that it was not a treaty to which England would have become a party if she had not these Provinces as part of the Empire.

This consideration elevated the whole question to the domain of the Imperial policy, and made the object to be gained not what was best for Canada or for England, but for the Empire as a whole. He thought, therefore, and the best consideration he was able to give the subject convinced him, that upon the whole in the interests of the Empire at large, and of his country as a part of it, the Treaty should be accepted. (*Hear, hear.*)

The question was whether we were called upon to make an undue share of the sacrifices which the ratification of the Treaty involved. Upon that point his mind was fully made up. It had been said that we had nothing to do with the Alabama claims. If we were not a part of the Empire we certainly should not have anything to do with them; but, being a part of the Empire, he maintained that no part of the Empire had an equal interest with us in the peaceable settlement of that question. He had no apprehension of war with the United States, but war might arise, and we could not afford to live in a state of uncertainty. We could not afford to leave those questions unsettled, as they would interfere with our capacity to raise money, to take a vulgar view of the matter.

Since the claims for indirect damages had been advanced, the credit of Canada had suffered in the market. Capitalists were very sensitive, and they would not venture when there was danger in the distance. Capital was the most sensible of all things; it cared nothing for politics, for boundary lines, or for subtle questions of loyalty. Therefore, from our material interests, there could be no



question that we were greatly interested in the peaceable solution of the Alabama and all other questions.

With regard to the fisheries: It had been alleged that we had surrendered them without a proper equivalent. He would join issue with those who took that view. More reticent than the hon. President of the Privy Council, he did not propose to put arguments into the mouths of General Butler and others to show the advantages the people of Canada would gain. Those advantages were free trade advantages; but they were advantages which to the protectionist mind would unquestionably strengthen their hands very much, and we knew well the strength of that party in the United States. He believed that the advantages of the fishery clauses to us were quite equal to anything we conceded to the United States. (*Hear, hear.*)

As to the question of the navigation of the St. Lawrence, he admitted that that was the most objectionable part of the Treaty. He had failed to discover any good reason for making that concession. The concession might practically be a barren one; but his conviction was that the free navigation of the St. Lawrence carried with it, by necessary implication, the right to our canals, or the right to construct canals of their own in our territory. There was no reason for this concession. There was no reason why the navigation of Lake Michigan should not have been stipulated for in perpetuity, as the free navigation of the St. Lawrence was conceded in perpetuity. If that had been done, there would in his opinion have been a fair equivalent, and he considered that the Government had in this matter been remiss. That was his chief objection to the Treaty; but he did not consider that that was sufficient to induce him to vote for the rejection of the Treaty. He thought the Government had to make out a better case than they had done for the concession of this right, and he trusted that they would do so; but regarding our policy of the past as having favoured the free navigation of the St. Lawrence, it being to our interest to open the St. Lawrence to American trade, he would be very sorry indeed to hinge opposition to the whole Treaty on that point.

Holding that view, if the Minister of Justice had come down to Parliament, as he held he was bound to do, viewing his responsibility for the Treaty which he had signed as our representative, and asked their acceptance of it, he would have had from him (Hon. Mr. Holton) an unswerving support. He would say one word upon this question of responsibility. The hon. Minister of Finance had asked him whether he could cite a precedent of a British Commissioner refusing to execute the instructions of the British Ministry. He would answer that question by putting another: Could he (Hon. Sir Francis Hincks) state any instance of a British Prime Minister allowing himself to be placed in a position in which he was called upon to act in matters affecting the interests of England, without holding himself responsible to Parliament? He (Hon. Mr. Holton) maintained that the duties and responsibilities of the Prime Minister of Canada, with respect to Canadian

interests, were precisely co-extensive with the duties of the Prime Minister of England, with respect to English interests; that was his answer and he thought it a conclusive one. He would allude to one point more on this subject. He supposed it would not be denied that, if the Minister of Justice had refused to execute the Treaty, the Canadian clauses would never have been executed; and, if the Treaty in regard to Canadian interests were as bad as the minute of 28th July represented them, it was his duty, at whatever hazard, to have refused to put his name to it. He considered the position of the Minister of Justice, in asking Parliament to ratify the Treaty after the ground they had taken in the minute of 28th July, a very anomalous one, and he thought that hon. gentlemen must by this time wish that they had never penned that famous minute.

**Hon. Sir FRANCIS HINCKS:** Not at all.

**Hon. Mr. HOLTON:** "Not at all!" He (Hon. Sir Francis Hincks) had denounced the howl of the Grits against this Treaty. Had they denounced it in stronger terms than the Government had in their minute of July? They howled louder than the Grits against the Treaty; yet, because they got a small compensation for accepting the Treaty, they came down, swallowed their own declarations, and invited Parliament to affirm that it was after all a splendid treaty.

**Hon. Sir FRANCIS HINCKS:** We never said so.

**Hon. Mr. HOLTON:** The drift of the debate on the Government side had been that opposition to this bill would endanger the position of this country with England. The guarantee for the Pacific Railway was the measure of British connection, according to the arguments of the hon. gentleman (Hon. Sir Francis Hincks). It was worth more in his (Hon. Mr. Holton's) opinion; but, at the very lowest, they could not deny that their position involved this:—that a bad treaty was rendered a good one by that guarantee. He considered it quite inadequate to change the character of the treaty, and thought that all the advantage we get in that guarantee might have been got in a more manly and straightforward way, by separating our application for the guarantee altogether from the question of the Treaty. The Pacific Railway partook so largely of the character of our Imperial work that we might have applied to England to aid us directly in the construction of that work. It was emphatically an Imperial work, and he believed that the arguments in favour of such aid would have been unanswerable, if the Government had not belittled our position by stipulating that on condition of our accepting the Treaty this guarantee should be given.

This guarantee being dependent upon the fate of the Treaty, because it was only to come into effect when the Treaty was ratified, the hon. gentlemen had shut the door against any proper application to the Imperial Government on the question of the Pacific Railway, and he thought that, in that, at all events, the people of Canada had strong ground of complaint.

May 15, 1872

He had already spoken longer than he intended. He did not feel strong enough to go into the question at the length he desired, and would simply state, before sitting down, that he would vote for the motion of the hon. member for Durham West as marking his reprobation of the course of the Government, but he would vote against the amendment of the hon. member for Oxford South, because its effect was to defeat the Treaty altogether. Being a friend to the Treaty, he would not give any vote to that effect. The motion of the hon. member for Durham West, if it prevailed, would not prevent the second reading of the bill, and he therefore had no hesitation in voting for it. That motion being disposed of, he would vote for the second reading.

**Hon. Sir GEORGE-É. CARTIER** hoped the House would pardon him for addressing a few words to the House at this late stage of the debate on the important question under discussion.

Although the matter had been argued fully on both sides of the House, he thought there were one or two points which had not been touched upon in regard to the favourable consideration of the bill. But before coming to the consideration of the merits of the question, he hoped he might be allowed to bring to the remembrance of the House debates which took place some years ago. It might be remembered that, during the great discussions that had taken place between his party and the Liberal party of Upper Canada on the subject of representation by population, he had on one occasion made a speech which had afterwards been called by his political opponents "The great codfish speech". (*Laughter.*) His object in that speech was to show that, although in some respects the sources of Upper Canada outweighed those of Lower Canada, yet the latter had in her gulf fisheries a valuable source of wealth, and that the reciprocity of 1854 was due to the American appreciation of the value of those fisheries. At that time the people of Upper Canada overlooked their utility and richness, but now he found, from the speeches that had been delivered in this House by hon. members from Ontario, that a due appreciation of the value of the fisheries of Quebec was entertained in the West. Indeed, those hon. gentlemen had raised greater objections, and made more trouble with regard to these fisheries, than those who were more particularly interested in them, and could hardly find words now to express their sense of their value.

It was thus seen that the estimate he had formed of the fisheries at that time was correct, and was now practically acknowledged to be so by the policy of his political opponents from Ontario. The reason the Government had offered protests in relation to the Treaty was because they had set a high store on them, and desired to obtain larger concessions in return for them than had been given by the Treaty. Hon. gentlemen from the Maritime Provinces must not consider that they were alone interested in this question; for the Province of Quebec, in her Gulf and Labrador fisheries, was equally as much interested as the sister provinces. He was glad to make these remarks at the outset, because some hon. gentlemen from Nova Scotia and New Brunswick had spoken as if they were the only provinces blessed with wealthy fisheries, while the fact was

that the yield of fish in the Province of Quebec compared most favourably with the yield in the other provinces. (*Hear, hear.*)

The Government then, as far as it had been called upon to act respecting this matter of the Treaty, was aware of the immense value of the fisheries, and knew that, to permit the Americans to fish in our waters upon the same footing with our Canadian fishermen, was giving them a great advantage, and they had done all they could, and all it was their duty to do by way of representation and remonstrance, in order that the fisheries should be used so as to gain from Canada greater advantages in the direction of reciprocity of trade than those secured by the Treaty; failing to obtain that, they had obtained the next best thing. The same contention and remonstrance must have been made by the Commissioners who negotiated the Treaty, since there was a clause in it which provided that there should be a money consideration payable to Canada, if upon arbitration it was shown that the value of the fisheries opened to the enjoyment of the Americans was greater than the value of the American fisheries thrown open to the Canadians.

Several hon. gentlemen opposite had endeavoured to make it appear that the Treaty was a cession of territorial rights. Now, it was merely a tariff arrangement and nothing else. (*Hear, hear.*) He used the expression advisedly; it was simply a commercial regulation, with the additional provision that, if we gave to the Americans more than they gave to us during the twelve years the Treaty remained in operation, the excess of value should be ascertained by arbitration and paid to us as a money compensation. That was all. It was a tariff arrangement, as he had said, and there was no cession of territorial rights; for if it had been proposed, it was the duty of this Government to represent to the Imperial Government that there should be no cession. It was still fresh in their memory what had taken place in New Brunswick with regard to the Maine boundary, and they were not disposed to allow the Imperial Government or the Commissioners to lose sight of the fact that they were aware of what was going on, and that they were opposed to anything that would bear the appearance of a cession of territorial right. Thus, the Treaty as it was finally concluded imparted no such cession. (*Hear, hear.*)

He had listened with great pleasure to all the hon. gentlemen who had spoken on the other side, and particularly to the hon. member for Durham West, and his colleagues and himself had been struck with the fact that during the first two hours of that hon. gentleman's speech he had drawn all his arguments from documents that had been prepared at the instance of the Government. (*Hear, hear.*) He was glad to see that the reasons which had been presented to the Imperial Government in order to secure liberal treatment for Canada were so highly appreciated by the hon. gentlemen opposite and were held to be so conclusive as to form the principal arguments addressed to the House by them. It was a matter of surprise to him, however, that the leaders of the opposition, who had spoken so eloquently and forcibly upon the subject, instead of taking their arguments from the newspapers which had discussed



the Treaty in an unfriendly spirit, had drawn all their inspiration from documents which the Government had prepared for submission to the Imperial Government. He acknowledged and felt it to be a high compliment, when such able men looked for arguments to sustain their course in papers that had been written by the Government. (*Hear, and laughter.*)

He would now address himself to some portions of the speech of the hon. member for Durham West that had not yet been answered. The hon. gentleman had divided his speech into three topics—first, the cession of territorial rights; second, the legality of the Treaty as far as it conceded the navigation of the St. Lawrence; and, third, the Fenian claims.

On the first topic he had laboured to make it appear that he implied a cession of territorial rights, but he had not succeeded in making out his case. He had acknowledged that no harm had been done, because power was reserved to the Canadian Parliament and people to reject or confirm the work of the Commissioners. When the hon. gentleman afterwards referred to the navigation of the St. Lawrence, he had laid down a proposition of international law which was entirely incorrect, and knowing, as he did, the legal ability of his hon. friend, it had surprised him to hear such a doctrine put forth. It had been urged that, as the fishery clauses of the Treaty had been reserved for the decision of this Parliament, so, too, ought the article relating to the St. Lawrence, because that river from St. Regis downwards flowed between banks which on both sides were Canadian territory. The hon. gentleman held too that the Confederation Act, by giving this Parliament power to legislate upon navigation and shipping, conferred the right upon Canada of legislating with regard to the navigation of the St. Lawrence; and that, therefore, the consent of Parliament to this article of the Treaty should have been sought. That part of the hon. member's argument had not been answered, and he (Hon. Sir George-É. Cartier) would address himself to the false legal pretensions advanced by the hon. gentleman.

The reason that the articles of the Treaty providing for the free admission of fish and fish oil had been reserved for the decision of Parliament, was that their operation depended upon the repeal of custom duties, which could only be removed by an Act of the Canadian Parliament. There was also another reason:—By the Confederation Act the Parliament of the Dominion had a right to make laws respecting the territorial domain of Canada. It was conceded that the sea within three marine miles of the shore was part of the territory of the country, and that vessels of other nations had a right to navigate those waters for any purposes of trade other than fishing. What made it necessary that the assent of Parliament should be obtained to the right of vessels to frequent these waters for fishing, was that in order to carry out the fishing profitably it was requisite that fishermen should land their nets and use the shore for the purpose of drying and curing; that was to say, to use our territory for that purpose.

As it rested with this Parliament to determine who should enjoy such a right as that, the Commissioners in this instance knew that the assent of Parliament was necessary before these articles could become operative. From that necessity, the hon. member for Durham West had argued by inference that the right to navigate the St. Lawrence ought also to have been made subject to the sanction of Parliament. The hon. gentleman was wrong in that view. The Confederation Act, in giving power to legislate upon matters of navigation and shipping, had not given the Parliament of the Dominion more power than was previously possessed by the late Province of Canada and the Provinces of Nova Scotia and New Brunswick. Before Confederation, those provinces had power to legislate upon certain questions connected with navigation and shipping, such for instance as questions relating to the registration of vessels navigating inland rivers and waters.

When those who promoted confederation came to consider how the different legislative powers should be distributed, they had provided that jurisdiction over navigation and shipping should belong to the Dominion Parliament and not to the local legislatures. What had surprised him was to find that the hon. member for Durham West, who was learned in the law, and one of the leading legal authorities in Ontario, should have fallen into the mistake of supposing that the Dominion Parliament had complete jurisdiction in that respect. (*Hear, hear.*) If the hon. gentleman would refer to the consolidated statutes of Canada, enacted in 1859, he would find an Act under the title "Trade and commerce" respecting the registration of inland vessels. He would also find another enactment for the more effectual prevention of the desertion of seamen, and a third respecting the navigation of Canadian waters.

Then, if he would turn to the Statutes of the Lower Provinces, he would find there also that legislation had been adopted with respect to interior navigation, and jurisdiction over vessels of a certain tonnage had been left entirely to provincial legislatures.

Now in the Confederation Act the words "navigation and shipping" merely referred to those matters of navigation and shipping which had been left previously by the Imperial Parliament to the jurisdiction of the legislature of the late Province of Canada and of the Provinces of Nova Scotia and New Brunswick. He (Hon. Sir George-É. Cartier) did not intend, however, to rest his case merely on inferences because he could prove, as he had done to the hon. gentleman, that he himself had been a party to a measure that had been brought before this House, and that could hardly have escaped his recollection.

Well it was known to members of the House that, by an Imperial act of 1849, England threw open to vessels of the whole world all her ports, not only in Great Britain but in every British possession. By the repeal of the navigation laws in 1849, every foreign ship acquired a right to enter any British port without let or hindrance,

May 15, 1872

no matter what the national flag she carried. With regard to coasting trade, however, there was one exception, for neither in England, the Channel Islands, nor in any British possession could a foreign vessel take on board goods and passengers at one British port, and make for another and land them there, without first touching at some foreign port.

There was also another exception to the Act. No power was given to any British colony to legislate on any matter affecting foreign vessels; but leave was given to any of the British possessions to represent by address to the Imperial Parliament any legislation they might desire with regard to the coasting trade, within the limits of such colony; and then the Imperial Act authorized Her Majesty in Council to apply a remedy, if it was thought proper that a remedy should be granted.

Now, what was the legislation which took place in England and which, as it were, created a revolution in regard to the commercial navy, because England had two years previously determined on the policy of free trade that she could not as a matter of course continue to maintain any exclusive system in regard to navigation? The Customs Act of 1853 repealed the provision contained in the Imperial Act of 1849 with regard to the coasting trade, and gave power to the provinces to represent by address their grievances, in order to obtain a remedy from Her Majesty should she think it proper to grant that which was asked. When the old provinces became confederated, a difficulty arose with regard to the provisions contained in the Customs Act of 1853, and the subsequent Imperial Act amending the Act. Before Confederation, the Merchants' Shipping Act provided for the registration of not only sea-going vessels but vessels navigating the inland rivers, and the old provinces had the right to legislate with regard to shipping and navigation. He was instrumental, with his hon. friend from Lanark North, in representing in 1868-69 to the Imperial Government and Mr. Bright as President of the Board of Trade, the anomaly which existed arising out of the Confederation Act.

He explained that, after Confederation, the Americans presumed that the Dominion of Canada contained several provinces in each of which a port could be made; and, upon the representations of himself and the member for Lanark North, forming the delegation to England, that the Dominion ought to be viewed as one port only by American and foreign vessels, an Imperial Act was passed amending the Merchants' Shipping Act, respecting certificates to be given to masters and mates. The Dominion of Canada was authorized to legislate with regard to the coasting trade, but such legislation was to take place before the expiration of two years after the passage of the Imperial Act, any legislation on the subject by the Canadian Parliament to be reserved for Her Majesty's assent. The Parliament of Canada had passed two acts under that Imperial authority, both of which were sanctioned by Her Majesty.

The argument of the member for Durham West that the navigation of the St. Lawrence ought to have been left for the approval of the Parliament of Canada, as well as the fisheries, was fallacious. England had acted according to Imperial law, and

according to international law. The hon. gentleman had resorted to a sort of inferential argument: he had referred to the Treaty of 1854, and stated to the House that by that Treaty the question of the navigation of the St. Lawrence was left to the ratification of the Canadian Parliament at the time.

He (Hon. Sir George-É. Cartier) denied such a statement. The high contracting parties to the Treaty convened at Washington in 1854, treated and determined upon the matter upon which they were authorized to treat irrespective of the legislation of any of the provinces affected by the Treaty. That Treaty interfered with the customs duties of the provinces, and in taking effect was, as a matter of course, ratified and approved by the provinces, but only to the extent of the questions in which they were concerned; that is to say, the customs duties. He quoted the articles of the Treaty of 1854, by which the United States were allowed the privilege of using the St. Lawrence and Canadian canals leading to the ocean, on the same terms as to tolls as Canadians; it being understood that the British Parliament retained the right of suspending the privilege on giving due notice thereof to the United States. He called the attention of the House to the fact that this right was reserved to the Imperial and not the Canadian Parliament. On the other hand, the Americans received Canadian produce into the United States free of duty, similarly reserving the right to suspend that privilege.

He also quoted from the legislation of Canada carrying out that part of the Treaty of 1854, and referring to Canada; but in which no reference was made to the navigation of the St. Lawrence; and yet, he said, the member for Durham West had tried to make an inferential argument in order to prove that the question of the navigation of the St. Lawrence ought to have been left for the ratification of the Parliament of Canada as well as the fisheries. They had a right to make laws affecting matters within the territorial limits of the Dominion; but they had no right to make laws affecting, as it were, the navigation of the St. Lawrence or particularly any part which Her Majesty had reserved to herself the right to legislate upon.

He thought the House would agree that he had succeeded in destroying the principal basis of the argument of his hon. friend from West Durham with regard to the navigation of the St. Lawrence. The hon. gentleman had been answered by others who had spoken on the subject. No one would think that Canada had the power to exclude American vessels from navigating the St. Lawrence. The hon. member for Châteauguay had stated that his chief objection to the Treaty was the free navigation of the St. Lawrence. There were such things as the Falls of Niagara and the Cedar Rapids; and the Imperial Government, in giving the right to the Americans to navigate the river over which it had power, had been cautious in the Treaty of 1854, as also in that under discussion, to provide that with regard to the canals the Americans must submit to any tolls levied upon vessels by the laws of the province through which they passed. The Americans could not go over the land, and could only use the canals in payment of tolls, and he could not agree with the objection of his hon. friend. The hon. member for Châteauguay was logical in one of his conclusions, namely that he



would vote for the Treaty; but when he said that he would vote for the amendment of the member for Durham West, because it did not abrogate the Treaty, he was mistaken. That amendment involved a vote of want of confidence; and if the Government were defeated they would have been defeated on the Treaty. There was, however, no danger of this; and when that amendment was voted down he would be glad to have the hon. member voting with the Government for the second reading and he congratulated the hon. member on his courage in having separated himself from his Ontario friends. The principal opposition to the Treaty arose in Ontario, and it seemed that the gentlemen from Ontario wanted every question affecting the whole Dominion treated from an Ontario point of view. He had many friends in Ontario, but so long as these tactics were carried on the Opposition would certainly remain where they were.

On the subject of the Fenian claims, the hon. member for Durham West had become quite sentimental, speaking of widows and of young men who had lost their lives, and asked whether an Imperial guarantee would compensate such cases as those. If the hon. gentleman would read the estimates he would see that appropriations were asked for sufferers by these raids, and in addition the Militia Act provided that pensions should be granted to those entitled to receive them. Parliament was, therefore, more sympathizing than the member for Durham West, for they made immediate provision for sufferers, while he wanted them to wait till the claim was paid. But, supposing that Canada had received a money payment instead of a guarantee, would that money have gone to the sufferers? No.

He now desired to address himself more particularly to those friends from Quebec, who, during the course of twenty years had given him their confidence, and whom he had brought again and again through Parliamentary struggles, where their votes had not been popular at the time; but where they had been on the side of justice and right. This had been the case in votes on Confederation, the question of justice to Nova Scotia and the formation of Manitoba and British Columbia into provinces, in all which matters Ontario had been wavering and uncertain, while Quebec had stood firm; and in the present case, the case of the Treaty, he again hoped to see the representation of Quebec firmly united in its favour. The member for Peel had spoken of the loss England had sustained in the fall of her old ally, France. Of course they must regret that France was not in a position to act as a powerful ally to England, as she had been previously, but one-third of the population of the whole Dominion were of French origin, and what a satisfaction it would be to England to find the representatives of the entire French population of Canada ready to consent to the Treaty, and so help the Empire to settle her present difficulties; and he therefore hoped to see those representatives in a solid body voting for the Treaty. (*Cheers.*)

It being six o'clock, the House rose.

## AFTER RECESS

**Hon. Sir GEORGE-É. CARTIER** repeated in French the arguments he had previously advanced in English.

**Hon. Mr. CAMPBELL** said that the hon. members for the County of Halifax, and for Shelburne, who had spoken upon this question, had been known to him for a very long period of time; and from their position were peculiarly qualified to speak on the subject of the fisheries. He could, with the greatest confidence, commend their remarks, counsel and advice to the most favourable consideration of the House. Another gentleman from Nova Scotia had also spoken, who represented a constituency (Yarmouth), the active and enterprising character of whose population was a guarantee of the soundness of his views.

In 1854 it was his (Hon. Mr. Campbell's) lot to be a member of the Legislature of Nova Scotia, when it became his duty to press upon the commercial arrangements made at that time with the United States. Similar objections to those made against this treaty were made against that. The prejudices and hostilities of a particular class of the population, supposed to be effected by that measure, were invoked and sought to be arrayed against it. The most unscrupulous means were resorted to for the purpose of operating upon them. Notwithstanding that unworthy course, notwithstanding that a general election was about to take place, he had felt it to be his duty to give his support to that measure and to assist in the ratification of the Treaty. He had never repented that vote, and he had represented the same constituency ever since. (*Hear, hear.*)

What were the consequences of that Treaty? At a very early period after its ratification he had had an opportunity of observing its beneficial effects, not only in his own constituency but throughout the province at large, and, when the Treaty was abrogated, a cloud seemed to have arisen which overshadowed the whole land and brought in its train discontent as well as adversity. That happened at a most inopportune moment, for about the same time the union of these provinces was accomplished, causing in Nova Scotia a most threatening state of the public mind. He felt that the disposition evinced on account of the repeal of the Treaty, and the harsh terms in which the people were disposed to express themselves in relation to the consummation of the Union, were attributable in no little degree to the general embarrassment that ensued in consequence of that abrogation.

The Treaty now before the House was of a somewhat similar character, and his constituents regarded it entirely in that light. Under the operation of the system that had prevailed since the repeal of the Treaty of 1854, the fishermen of Nova Scotia had to a large extent become the fishermen of the United States. They had been forced to abandon their vessels and homes in Nova Scotia and

May 15, 1872

ship to American ports, there to become engaged in aiding the commercial enterprises of that country. It was a melancholy feature to see thousands of young and hardy fishermen compelled to leave their native land to embark in the pursuits of a foreign country, and drain their own land of that aid and strength which their presence would have secured. (*Hear, hear.*)

There was another evil in connection with this matter that not only were they forced to aid in promoting the welfare of another country, but they were, by being so, gradually alienated from the land of their birth, and led to make unfortunate contrasts and comparisons to the detriment of the country to which they belonged; because in the country to which they departed they derived benefits that were unattainable in their own. (*Hear, hear.*)

Another evil of the present state of things was the impediment thrown in the way of ship building by the depression caused in the business of the country. While Nova Scotia had mechanics who were able to build vessels that would compete in every important respect with those built by our American neighbours, the commercial impediments thrown in the way of Americans fishing in Canadian waters had an injurious effect upon the ship building interest. It had been said that the concessions obtained by the Dominion were not equivalent to the concessions which were granted to the United States. Upon that point he regarded what had been said by the Minister of Justice about the privileges of Canadians resorting to American waters for the purpose of procuring bait, as being of great importance. He believed that to be a very valuable and important concession. (*Hear, hear.*) He did not regard the American inshore fisheries as of such little value as had been represented, for he knew that frequently American fishermen left our coast and resorted to their own waters, where they received a valuable recompense for changing their venue and base of operations. By the Treaty of 1818 American fishing vessels were not permitted to enter our harbours except for the purpose of obtaining wood, water and shelter. This limitation had produced a great deal of dissatisfaction, and did injustice to our shore population. During the reciprocity those vessels were constantly in our waters, engaged in a mutually advantageous business with the merchants who lived on shore. Both parties desired a renewal of that relation, which would decidedly be to the advantage of Nova Scotia. It was because he desired to restore to the people of Nova Scotia the advantages of that reciprocal trade that he was ardently anxious for the ratification of this Treaty.

To use a phrase that had been employed on both sides of the House, his constituents had "set their hearts upon it"; and as far as his voice and vote went they would surely have it. (*Cheers.*) He was extremely sorry that the Treaty had received the opposition it had, nor could he satisfy his own mind that such opposition was called for by an interest in the country. If the Treaty was objectionable to the people, how came it that

there was no expression of popular feeling against this measure? How was it that there were no petitions presented against it? How was it that boards of trade and chambers of commerce, which were always so watchful of everything connected with the commercial interests of the country, had sent no remonstrance and uttered no objections? (*Hear, hear.*) Why all this reticence if, as some hon. gentlemen maintained, there was a deep-grounded antipathy to the Treaty throughout the land? Here was a measure, one of the most important that could ever be brought before this Legislature, or was likely ever to come before it, which was declared by some hon. gentlemen to be a betrayal of our rights and fatal to our interests; and yet the great body of the people had not uttered a word against it, but had left it to their representatives to do what it was not common for them to do when great interests were at stake—act without the sentiments of their constituents being specially declared. (*Hear, hear.*)

Treating the subject from a broader than a mere local point of view, he held that the maintenance of good will between the peoples of Canada and of the United States was of the very first importance to both, and also to the people of Canada as a portion of the Empire. The continuance of good relations between them had been threatened. Events concurrent with the late civil war in the United States had led to a state of feeling which it was most desirable should not be continued. These two great nations had by this Treaty adopted a mode by which those differences might be healed, by which that unhappy and dangerous state of things might be remedied. They had provided a mode by which the horrors and barbarities incident to a state of war would henceforth be avoided, and the milder weapons of reason and argument and justice be considered as the true exponents and the best test of the right of nations. (*Hear, hear.*)

As regarded individuals, so it was with respect to nations: Solutions where a solution of grave difficulties and difference were desired. There was no mode so well calculated to effect that object, so simple, rational, and likely to be attended with such beneficial results, as that in which the individuals or nations were brought into direct intercourse, to state their grievances and frankly acknowledge their responsibility, and when that was deferred to call in the aid of some impartial friend, by whose decision they would agree to be bound.

Acting upon this great principle, the heads of these two powerful nations had agreed to subscribe their seal to this Treaty. The Parliament and people of England had followed that glorious example. In that great arena of eloquence and patriotism political gladiators had cast aside the ordinary weapons of their warfare. Parties had been hushed; rival leaders had spoken together in harmony and accord. The interests of millions of the population of England and America; the interests of hundreds of millions of the earth's inhabitants, the progress and civilization, the peace and general welfare of the world, had been consulted, and in that



great arena, in that great Parliament, the people by their representatives and the representatives by the sanction of the people had approved and ratified that mode of settling international differences. (*Cheers.*)

And, yet, here we in Canada were asked to take another course. We were asked to reject this humane, this benevolent, this philanthropic mode of settlement. We were asked to reject the results of the labours of those pious and good men who had taken part in these deliberations. Should we do anything of the kind? Should we do anything but confirm this Treaty? He believed that the response of this House would be in the negative; and he felt confident that with this Treaty ratified so far as we could ratify it, with this bill now before the House made a portion of the statutes of our country, a new era would occur in reference to our relations with the United States, and a new cause of rejoicing would come to the people of the Dominion, that their lot was cast in this happy land. (*Cheers.*)

**Hon. Mr. DORION** said the question now before the House was one of the most important that had taken place since Confederation, and there was no question of more importance to the future of the country; but the great importance of this Treaty was after all in connection with the Alabama claims. Hon. Mr. Dorion then went into a history of the origin of the Alabama claims, and traced that of the negotiations which had taken place between the Governments of Great Britain and the United States. He did not admit, with the hon. member from Toronto West, that England had tarnished her honour in respect to this Treaty. He believed that England entered into the Treaty because of the four millions of British subjects on this side of the line; England was not afraid of the forty millions on the other side, but feared the evils that might be inflicted on the four millions. (*Hear, hear.*)

If Canada had not been a British possession, England would not have receded from the proud position which she had taken in the first letter between Lord Russell and Mr. Adams. They were all agreed that, solely upon its own merits and referring solely to Colonial interests, the Treaty was not a good one.

The hon. gentlemen opposite had complained of the cry that had been raised against the Treaty, but he would show that the Treaty was first denounced by the Ministerial press, for a purpose, at the instance of the Government. The Montreal Gazette was an organ of Government, two of whose late editors had recently been placed in public office for servility in writing for the Government. On the 16th May, the text of the Treaty was published in the Montreal organ without a word of comment either in favour of or against the Treaty. For a whole week it was before the people, and on the 20th May, after the editors of that paper had time to receive their instructions, to communicate with the Government and know what to write, they came out strongly denouncing the Treaty as most humiliating, and censuring the Imperial Government. He

said it was most unfair and unjust to say that the first outcry against the Treaty came from the Opposition press. (*Hear, hear.*) The first outcry came from the Ministerial press and was read all over the country.

The Minister of Militia said the Treaty was not a cession of territorial rights, but a financial arrangement; but what said the Minute of Council of the 28th July? It said that "The cession of territorial rights of great value has been made to the United States, not only without the previous assent of Canada, but contrary to the expressed wish of the Canadian Government". (*Hear, hear.*) Yet the Minister of Militia now stated it was not a question of territorial rights at all. The whole press of the country, with one or two exceptions, rose in indignation against the Treaty, and the Ministry had increased the intensity of that indignation by the course they had taken.

Now the Ministry came down and asked the House to ratify it, upon entirely different considerations. If the Treaty had been presented to them as a necessity of our position and relation with Great Britain, and the Government had had the manliness to stand up for the Treaty and present it to the House upon that ground, then they would have some ground for the consideration of the House. From those considerations he would have been willing to give his vote for the ratification of the Treaty, because as a part of the Empire we should bear our share of its burdens, as well as receive benefits; but, instead of viewing the matter in this light, we were about to sell our rights for a certain sum, to barter our honour for a stipulated amount. By adopting this Treaty we yielded up everything that could enable us to obtain reciprocity. (*Hear, hear.*)

The House had heard it stated by the Premier and by Mr. Tupper that the reversal of the "national policy" last year had prevented our coal, salt and lumber going into the United States free. He did not believe anything of the kind. The Americans knew that all the wheat or oats we wanted we grew ourselves, and that those that came from the United States were simply exported; but the Americans had no fisheries of any great value, and therefore our fisheries might have induced the Americans to grant reciprocity. The question was whether the money consideration was sufficient to induce us to accept the Treaty. It had been said the Treaty was not a bad one after all. It was said it had been approved of by Prince Edward Island, which was as much interested in it as we were; and Nova Scotia was not protesting against it. Nothing had been said about New Brunswick, but what were the facts? Prince Edward Island, although willing upon Imperial considerations, and on Imperial considerations alone, to ratify the Treaty, made a strong remonstrance—as strong as it could possibly be, against it. He showed a communication of 25th July, 1871, from the Executive Council of Prince Edward Island. The Government of Newfoundland had also

May 15, 1872

complained of the Treaty, and only assented to it on account of Imperial interests.

When we came from outside the country to those composing it, what did we find? We found that the Legislature of Nova Scotia, before going back for election, condemned the Treaty by 30 to 3, and we should remember that the members of the Nova Scotia Legislature were not elected in 1867 when this question could not come up. (*Hear, hear.*) Had the people of Nova Scotia changed their views? The Government now in power was the same Government that was in power then, and was sustained in the same way; there had been no attempt made to cancel that vote. What did that mean? It meant that the great mass of the people of Nova Scotia were dissatisfied with the Treaty, and sustained the action of their Legislature. Then, as to the New Brunswick Legislature, that province voted unanimously against the Treaty, and that Legislature was fresh from the people and might fairly be supposed to represent their views. Yet they were told the people of New Brunswick and Nova Scotia were in favour of the Treaty, because since that time there had been no expression of feeling against it. It devolved upon those who advocated the Treaty to prove that there had been any change of opinion.

If they referred to Lower Canada, they need only look at the speech of the Minister of Militia, who, turning to his friends, implored them to sacrifice their fisheries and their feelings and the interests of their constituents on the altar of their party and for the support of the Ministry: for the speech amounted to nothing else. The hon. gentleman informed them they had voted for many unpopular measures before, at his bidding, and implored them to vote again for him. (*Hear, hear.*) And he (Hon. Mr. Dorion) and no doubt many of the hon. gentlemen opposite who had expressed themselves as opposed to the Treaty, would, at the bidding of the Minister of Militia, vote for it. He (Hon. Mr. Dorion) knew that the Treaty was most unpopular in the fishing communities of Quebec and the Minister of Militia had admitted the fact in his speech. He would be willing to make any sacrifice for England, but that was not the ground we were asked to take. (*Hear, hear.*) We wanted the evidence of disinterested parties as to the Treaty; and that had been furnished by the industry of the Finance Minister, who read the other day the opinions delivered by Lord Derby and Lord Carnarvon. These gentlemen supplied the disinterested evidence we wanted. They had admitted that as far as Canada was concerned the Treaty was a most unsatisfactory one. (*Hear, hear.*)

We had an almost unanimous expression of opinion against the Treaty, and we had the testimony of those who were merely disinterested, and that was that. The Treaty could not be defended upon colonial grounds. Upon Imperial grounds the Treaty was not a necessity, and irrespective of the position in which the British Government was placed, it never would have been signed. In consideration of what was the position of

the Government, he admitted that the Premier did not represent Canada on the committee, notwithstanding the fact that Earl Kimberley had informed us that it would be a matter of pride to Canadians to be represented on the commission by so able a statesman as the Premier of the Dominion; yet there was no question our interests had been sacrificed by a Commission of which our Prime Minister was a member. But the hon. member was there by his oath of office to see that the interests of Canada should not be sacrificed by British authority or at the desire of the Americans; and he (Hon. Mr. Dorion) contended that if Hon. Sir John A. Macdonald had found out that England was about to barter away our interests he was bound as Prime Minister of Canada to remonstrate.

If things had come to such a pass that either the interests of England or of Canada should be sacrificed, the Prime Minister should have said, "I can no longer be an Imperial Commissioner", or he should have said to Canada, "I can no longer be your Prime Minister". (*Applause.*) As a Commissioner he was bound by Imperial instructions; but what he held was that he was Premier of Canada and it would not do for him to say that in another position he could sacrifice the interests of Canada. The Premier claimed that at Washington he could sign the Treaty, while at Ottawa he could pen the despatch of the 28th July condemning the Treaty, and that there was no contradiction in this course.

This was a most extraordinary position to take; it was absurd to argue that a man could act for the interests of two parties when their interests clashed. There was another matter which he could not mention without feeling the blush of shame come to his cheeks. On the 28th of July a strong remonstrance was sent to England against the Treaty. On the 23rd of November a reply comes from Earl Kimberley, who did not understand what was meant by strong articles in the public press of this country. Our Canadian Government on the 20th of January, 1872, wrote an Order in Council explaining what they meant. They expressed the hope that some proposal would be made by the British Government that would enable them to come before the Canadian Parliament in order to carry out the Treaty. The British Government did not think that the people of Canada were so low as to beg an indemnity. England perhaps had been humiliated in receding from her original position in the Alabama case; but this was not enough. The Canadian Government must humiliate the English Government further by begging for an indemnity for Fenian claims, because England had not pressed them at Washington. (*Hear, hear.*) That was the position which the Canadian Government had taken. They had placed a value upon the feelings of the Canadian people much lower than he thought the people would be willing to accept.

**Hon. Sir FRANCIS HINCKS:** How much would you have asked?



**Hon. Mr. DORION** said if the Government had asked the House to accept the Treaty as a matter of Imperial necessity, they would have been in a much better position than now; but they had gone as political gamblers to the Imperial Government and had offered to sell the feelings of this country for money. They were now in a position in which they could not propose the Treaty to the House; they merely wished to extort from the British Government a sum of money. The Premier himself admitted as much the other day. He admitted that if Government had not agreed to accept the Treaty he would have been in a very embarrassing position. He (Hon. Mr. Dorion) held that in such a case he would have been obliged to resign.

**Hon. Sir FRANCIS HINCKS:** No.

**Hon. Mr. DORION** said that no man of honour would have remained for a moment in the Government that refused to accept a measure which he had agreed to carry out.

**Hon. Sir FRANCIS HINCKS:** We deny it.

**Hon. Mr. DORION** went on to say that if the Premier had left the Government the Government would have went down. He (Hon. Mr. Dorion) believed he spoke the sentiments of the majority of the people of the Dominion, who were not ready to sacrifice their best and most vital interests for a paltry guarantee for the endorsement of our note to the extent of two and a half millions sterling. The Minister of Finance had asked what sum he (Hon. Mr. Dorion) would ask. As he had before remarked, if the question had come on its broad merits—the interests of humanity, to prevent difficulties between two nations which, he believed, were at present the light to guide civilization, perhaps for centuries to come—if it had been that he would have been embarrassed between the interests of his own country and of humanity at large.

Upon that broad ground, he would have been disposed to vote for sanctioning the Treaty; but he would have asked nothing. (*Hear, hear.*) He would not have made a stipulation that we should receive money for doing reluctantly what should have been done as a duty. He would have acted in a painful manner, as the Governments of Newfoundland and Prince Edward Island had done; he would have said that the Treaty was not satisfactory, but that in the interests of the British Empire he was willing to accept it. Had it been necessary to sacrifice his position as a Minister of the Crown to pursue that course, he still would have pursued it. (*Hear, hear.*) The conduct of the Ministry was such as would make them blush at the next election when they would stand up before the people with a bribe—a purse in one hand and the Treaty in another. (*Laughter.*) We had already made sacrifices for the peace of the Empire, and were prepared to do so again. We had paid \$90,000 in greenbacks and \$60,000 in Canadian money for losses incurred by the St. Alban's raid. We were ready to go further than this for England. Had our Government taken such a course

we would have enlisted the sympathies of England; we would have secured not only £2,500,000 for the Pacific Railway, but the full four millions. The present course of the Government was calculated to outrage the people of Great Britain by making them believe we were a selfish people. (*Hear, hear.*) The Canadian News, published in London, concluded an article upon this matter by stating that this guarantee was an attempt at State corruption equally contemptible and degrading to those who made the offer and to those to whom it was addressed; but this writer was misinformed upon one point. The bribe was not offered—it was asked for by our Government, which made the matter all the worse.

After the considerations brought to the House to vote for the Treaty, he could not give any excuse for supporting it; he would be willing and desirous to do as his hon. friend on his left (Hon. Mr. Holton) had declared he would do, namely to vote to condemn the conduct of the Administration on the Treaty, and vote for the Treaty, because he was willing, for the sake of the connection with Great Britain, to support it. At the same time, there would be a contradiction in doing so, and, after reflecting upon the matter, and after careful consideration upon the subject, he could do nothing but condemn the Administration and the Treaty together. If he would vote for the motion of the hon. member for Durham West, and for the Treaty, it would be said he acted as a partizan. He could avoid the difficulty by giving a silent vote; but he could not let this occasion pass to raise his voice against an Administration which had placed the country in the humiliating position in which he had found it, and also against the Treaty itself. If the Ministry had boldly come to the House and said, "We have no explanation to give, but that England desires it", he would have been satisfied, but he felt that the position in which the Government had placed Canada by the transaction was such as to have the effect of creating a coolness in our relations with England. He was not one of those who believed that this Colony was forever to be a Colony of Great Britain, and when the time did come for us to take an independent position it would be one of the greatest evils if we separated from England with ill feelings towards her, or with coolness towards us on the part of the people of England. When that time came he desired that we should part with the blessing of England upon our head; but he was afraid a few transactions by our Government like the present would create ill feeling and would show the people of England that we were actuated by nothing but selfishness; that we would not make a single sacrifice for England, and there would grow up what he would be very sorry to see, a feeling of coolness and ill feeling between England and this country. He concluded by saying that he would vote for the amendment of Mr. Blake and against the second reading of the Bill, and he hoped the member for Oxford South would withdraw his amendment.

**Hon. Sir FRANCIS HINCKS:** No, no.

**Hon. Mr. DORION** remarked that the Premier had stated that Mr. Blake's amendment was one of want of confidence, and

May 15, 1872

now the Finance Minister wanted to avoid a vote on that want of confidence motion. Hon. Mr. Dorion then proceeded, after the example of the Minister of Militia, to repeat his speech in French.

**Hon. Mr. SMITH (Westmorland)** said the question was perhaps the most important that had ever come within the consideration of the House, for it affected our relations with a foreign country as well as our relations with the Fatherland. It seemed to him that it would have been more prudent to have discussed the matter with closed doors, as the Senate of the United States was doing at the present moment; for he feared that, instead of a feeling of patriotism, party political feeling pervaded the discussion, and they knew that the First Minister had stated that the utterances of members might be adduced as evidence before the Commission provided for to decide on the relative value of the Canadian and American fisheries.

He desired to say at the outset that he should support the Treaty; but he could not agree that it was fair to Canada. But the question was whether it was not expedient to adopt it. The responsibility of rejecting it would be great. When it was first announced, was it not received with execration and indignation? If Parliament had been called together within three months of its annunciation, he doubted whether five members would have supported it. Since then, a great change had taken place, not in respect to the merits of the Treaty, but in respect to the expediency of adopting it, and he could only account for this change by the altercation that arose between England and the United States as to consequential damages, and the consequent feeling of Canada that it would be almost disloyal for her to reject it. He believed, however, that there had scarcely ever been a treaty between England and the United States in which the latter had not got the best of it. The only case in which no difficulty arose was the Treaty of 1804, and it would be well to compare that with the present Treaty.

In the former, England called to her aid representatives from every province of British North America. It was not thought for a moment that England would enter into a treaty with the United States upon subjects affecting Canada without consulting Canada. This consideration, however, was not extended to us now, and this induced him to believe that the ties binding Canada to the Mother Country were gradually giving way.

The question in dispute, when the Commission was organized, as far as the fisheries were concerned, was the headland question. He referred to the several treaties to show that, in the Treaty of 1854, the Americans abandoned forever the right to fish within three marine miles of our shores. Then another matter of dispute was the Fenian claims, and so, on the suggestion of the Postmaster General, negotiations were opened which ended in the appointment of the High Commission. He then quoted from the despatches laid before the House, showing that the distinct understanding was that all matters of dispute were to be settled. He desired, however, to ask the Government whether, if the present dispute between England and the United States as to consequential damages did not terminate

amicably, the case relating to Canada would be affected. He thought this was a very important point, for the only consideration that induced him to assent to the bill was that all matters of difference between the two countries might be settled and arranged. He did not desire to find fault unnecessarily, for he was neither in favour of annexation or independence, and hoped the connection between Canada and England might continue forever; but he must protest against the way in which the member for Sherbrooke, of whom he spoke in the highest terms, had been denounced and cried down, because he had had the moral courage to declare his honest convictions as to the future of the country.

Referring again to the consideration extended by England to Canada, he alluded to the Treaty of 1854, and asked the Finance Minister whether he had not been invited to advise and assist as one of five Commissioners in making that arrangement. Now, there had been no such invitation; for the First Minister ceased to be a representative of Canada the moment he accepted an appointment, and sat on the Commission as an agent of the British Government to do their bidding in all things. The hon. gentleman himself knew that he was there to carry out the will, not of Canadians, but of the British Government, to act upon their instructions and to be governed by their wishes. He (Hon. Mr. Smith) admitted that, if Canada had been represented on the Commission, and that if a representative was wanted who would guard, protect and advocate the interests of this country, there was no man who could better discharge that duty than the hon. gentleman; but it was not as the representative and protector of Canada that he had served. Why, look at the protocols, and it was plain to be seen that the Prime Minister of England directed their movements. The hon. gentleman was, therefore, an agent in the hands of the Imperial Government, and as such he was not responsible to this House. What he (Hon. Mr. Smith) complained of was that in the settlement of the grave differences between the two countries, and in the negotiation of this Treaty, England had given Canada no voice. He thought she ought to have followed the example of 1854, and called to her assistance, before concluding so important a matter, some gentleman particularly to represent the Dominion in the negotiation.

If the Minister of Justice had known the true circumstances of the case before he accepted the appointment, he (Hon. Mr. Smith) felt perfectly assured that he would never have undertaken the duty of the position; and the only thing he could do was to ask the British Government not to yield the fisheries without the consent of the people of Canada. He (Hon. Mr. Smith) thought the time had come when we in Canada should speak plainly upon this subject; when we should let the Americans know that we understood it and could appreciate their skill in all matters relating to diplomacy, and that we felt they had always got the advantage of England in every treaty that had been negotiated between them.

Upon this point he quoted from the Quarterly Review to show that both in regard to the Maine boundary dispute, and the Alabama and fishery dispute, England had made concessions to the United States which she would not have made if it had not been from a fear of going to war. He then came to the provisions of the Treaty of last



year. He believed the arrangement it contained was unfair to the people of this country; that it did not offer them such equivalents for what they conceded as they ought to have; and that the Americans had secured a decided advantage. He challenged any one to point to a single instance where the British Commissioners had been successful in obtaining the recognition of any demand they had made. (*Hear, hear.*) It was very remarkable, too, that when the American Commissioners offered to admit salt and coal free, and lumber after 1874, they were allowed to withdraw it even afterwards, a withdrawal which would not be allowed in any business transaction between individuals.

Then, in the arrangement about the canals, there was the same inequality, for, while the Americans were admitted to all the Canadian canals on equal terms with our own people, Canadians were restricted in the use of American canals to those which were connected with the St. Lawrence and the lakes. Under this arrangement Americans would have access to the Baie Verte and other canals in Canada, completed and projected, while our people would be debarred from many of theirs, which he considered to be altogether unfair. The hon. member for Peel had mentioned the case of the Mississippi as parallel with that of the St. Lawrence. He (Hon. Mr. Smith) could find no similarity between them. In the case of the Mississippi there had been an old dispute. In 1763 Canada was ceded to England, and Florida at the same time. In 1783 a treaty was made with the United States, and England then restored Florida to Spain. Subsequently the United States bought Florida from Spain, and Louisiana from France. After that purchase they denied the right of France to navigate the Mississippi; but he could find no authority to show that they denied it to England.

**Hon. Sir GEORGE-É. CARTIER:** The same rule applied as in the case of England.

**Hon. Mr. SMITH (Westmorland)** denied that it did. England was allowed to navigate the Mississippi after it had been denied to France; but the Americans claimed that the war of 1812 abrogated the right, and there the matter had rested ever since. He contended further that, when the hon. member for Sorel endeavoured to show that England had no right to the rivers named in the Treaty, because the territory of Alaska was ceded by Russia to the United States, he had no authorities in support of that position. With regard to the navigation of the St. Lawrence, he conceded the point that it was no injury to Canada. It was the duty of every country to encourage the carrying trade of another. It would be a benefit to Canada to bring the great trade of the West through our canals, but to give up for ever the sovereignty of that river to a foreign country was a serious matter. It would be no injury to this country to allow the Americans to use all our arteries of communication on the same basis as ourselves, but it would be too much to give them that privilege for ever.

Why was it, if this was a benefit to us, that it was not equally a benefit to the United States to have the same thing done there? Had we found that they had agreed to allow us the use of their canals?

No; they had expressly excluded us from all their canals except those bordering on the St. Lawrence.

He had no doubt that England had a right to concede the navigation of the St. Lawrence without our consent; but he could not have believed that such a course would have been followed without our consent. He believed that the Treaty was altogether unfair to the people of Canada, and he entirely coincided with the views expressed by the Government in their minute of 28th July to that effect. That minute had expressed the true feeling of the people. The Government had seen fit to change their views on the subject; and as he had stated before, he believed that the change had been brought about from the fact that the necessities of the Empire had required that we should make the sacrifice. He could not think that they had changed their minds simply, as would appear from the papers before the House, because England had given us a guarantee. He thought otherwise of the hon. gentlemen.

The United States had disclaimed all liability from the Fenian claims, and England had assumed the liability, thereby becoming the debtor of Canada. The disputed questions which existed before the Treaty existed still. Looking through the protocols he could not see that any effort had been made to settle the question, and after a lapse of a year it would be again revived. He could not concur in the mode of determining the respective value of the fisheries of Canada and the United States provided by the Treaty. He thought that it would be more to the interests of the Dominion if an annual sum was paid during the continuance of the Treaty. He doubted if the English Government would give notice for the termination of the Treaty at the end of twelve years. The correspondence merely said that they would have due regard to the expressed opinions of both Houses of the Canadian Parliament. Treating the matter in a broad and patriotic spirit he considered it desirable and expedient that Canada should accept the Treaty. If accepted, the Province of New Brunswick should be allowed some equivalent for the loss she would sustain by the abrogation of the export duty on lumber.

It was now ten minutes after midnight and the moment Hon. Mr. Smith sat down, three gentlemen claimed the floor, namely Hon. Mr. Chauveau, Hon. Mr. Tilley and Mr. Baker. Hon. Mr. Chauveau was recognized by the Speaker.

**Hon. Mr. CHAUCHEAU** spoke in French in reply to Hon. Mr. Dorion. That hon. gentleman had not objected to the Treaty, but the conduct of the Government in demanding the guarantee. The position of the Premier at Washington was that he was bound to look at the interests of Canada as connected with Imperial interest. He had to look at the position of Canada in respect to the Empire. The only reason which the hon. member had brought forward for opposing it was that England was to be despoiled by the guarantee that we asked. England, who was willing to give it; England, who having power to redress our wrongs; England, who alone had the power to demand reparation from the people of the United States, had failed to do so, and had agreed willingly to make up for the failure by giving us a guarantee.

May 15, 1872

**Mr. BAKER** merely wished to direct the attention of the House to two points; first, the position which the Minister of Justice occupied, he would not say as a Canadian Commissioner, a position he was not called upon to occupy; and secondly, the general opinions which should guide members in arriving at a conclusion on this important subject and discussion.

The argument was laid before the House by the member for Lanark North, and afterwards elaborated by the Minister of Finance and the member for Peel, and had never been answered; he meant the argument that the Premier was an Imperial and not a Canadian Commissioner. He asked when England had ever delegated to a Colonial Commissioner the right to deal with matters of Imperial concern? If hon. gentlemen could not produce an authority for their statement, they must hold their peace.

With reference to the omission of the Fenian claims, he might say that the county he represented had suffered pecuniarily from the raids, and they felt that some reparation should be demanded for the outrage; but instead of that the United States refused to make reparation. This was bad enough, but it was rendered worse by the statement of the member for Lennox on a previous evening, that the country was only saved by the imbecility of its invaders, which was an insult and a slander to the gallant defenders of the country, and to the memory of the gallant lads who fell at Ridgeway.

He had always considered that the fisheries and the navigation of the St. Lawrence were the most powerful means of obtaining reciprocity. The Imperial Government had, however, withdrawn the Fenian claims in the interests of the Empire, and it was not expedient that the Treaty should be rejected. He read a letter from a constituent that the interests of Canada were sacrificed in the cession of the fisheries; but there were other interests to be considered, and he would not fly in the face of the interests of the Empire. That man, though unlettered, had shown a keener appreciation of the question than had been shown in the four hours' oration of the hon. member for Durham West, and greater patriotism also. That hon. member had marked the god of battles and the god of truth, and if he desired to multiply his deities he trusted he would call to his aid the god of practical political wisdom, and the god of common sense. The hon. gentleman had claimed to be the guardian of England's honour; that honour had been kept by the guardian of the Empire; he preferred to leave it there. The argument of the member for Châteauguay had convinced every one that it was their duty to vote for the bill.

**Mr. McDONALD (Lunenburg)** rose at one o'clock and moved the adjournment of the debate. (*Cries of "No, no."*)

**Hon. Sir JOHN A. MACDONALD** objected.

**Hon. Mr. MACKENZIE** said it was not possible at this late hour. (*"Yes, yes."*) It was not to be expected that members who had been attending to business in the House for fifteen hours could sit

up longer or continue this debate, and he for one was not going to do it. (*Cries of "Go on."*)

**Hon. Sir JOHN A. MACDONALD** said the hon. gentleman was unreasonable. The debate had now gone on for five nights, and should be brought to a close. He appealed to the House, and asked for a division tonight. (*Cheers.*) The hon. gentleman had agreed last night that there should be a vote tonight.

**Hon. Mr. MACKENZIE** said he had never assented to any such proposition in any shape whatever, though he was as anxious as the Premier to have a division, and had facilitated the debate as much as possible so the Premier should not force a division, for he had not contemplated yesterday that the debate would last so long. He knew gentlemen on this side of the House wished to speak, but it was quite impossible for them to speak at this hour—one o'clock in the morning. (*Cries of "Yes, yes" and "Go on."*)

**Mr. McDONALD (Lunenburg)** then proceeded with the debate. He said that he had never, from the first day on which the Treaty had been published, changed his mind in regard to it. From the first he had regarded it favourably as a settlement of a difficult question, and as a measure which might, he thought, ought and would secure the sanction of the House. He admitted that it did not combine all that the people of Canada would like to receive in the way of concessions from our neighbours; but, taking it all in all, he looked upon it as an exceedingly good mode of settling differences which were difficult in their nature and might have become dangerous to the peace of both countries. (*Hear, hear.*)

The county he represented was all but unanimous in its favour; and the interest that was felt in it might be judged from the fact that it had 632 boats engaged in the inshore fisheries; 92 schooners employed in the deep sea fisheries; and 147 vessels partially engaged during the year in fishing, the whole giving employment to two thousand men, who received their livelihood solely from the fishing business. It was of vital importance to them that the fishery articles of the Treaty should be ratified, because they believed that they would then be placed on a much better footing than they occupied at the present time. (*Hear, hear.*) Not only were his constituents deeply interested, but the whole people of Nova Scotia were immediately concerned. He read from statistics to show the magnitude and importance of the fishing interest, the number of men it employed, and the value of the products.

There was an important consideration which had been overlooked in weighing the advantages and disadvantages of the Treaty, and that was that the removal of the American duties on fish and oil would encourage the purchase of vessels in provincial ports, where the cost of construction was much less than in the United States. It was true they would be unable to obtain American registers, but if they caught fish in American or in British waters they could take them into American ports and sell them on equal terms with fish taken in by American fishermen in American



vessels. He considered this a very material point in the discussion, and he believed that Americans would largely avail themselves of the opportunity which would thus be offered of retaining vessels at much less cost than they now paid. (*Hear, hear.*)

He was surprised at the assertion of the hon. member for Halifax that the American market was of little value to us, and at the statement that frequently prices on that market rated lower than in Nova Scotia. The hon. gentleman had mentioned a case where a merchant of Halifax had gone to the United States and purchased fish for export to the West Indies, because he was able to procure them there cheaper than in Nova Scotia. He (Mr. McDonald) considered that statement a disingenuous distortion of the facts, for he denied that the normal condition of the trade was such as that statement implied. The hon. gentleman knew that for ordinary mackerel, Nos. 1 and 2, we had literally no market except the United States, while, for an inferior fish, No. 3, we had a market to a small extent further south. It was possible that there had been some purchases in the United States by Halifax merchants, but they were novel exceptions, and arose altogether from exceptional circumstances. In one case, the facts were that a portion of an almost unsaleable consignment had been purchased in Boston for four or five dollars per barrel and shipped to Cuba; but the purchaser had a vessel to arrive from that island with sugar and had gone to Boston to secure a return freight and not to make purchases of fish. He happened, however, to meet with the remains of a cargo which had been in store for fifteen months, and bought the fish, although of an inferior character, because they could be used as part of a return cargo to Cuba. That was the substance of fact upon which the hon. gentleman had based his statement that the market of the United States was of little value to us, because the price of fish there was sometimes lower than in Nova Scotia. (*Hear, hear.*)

He (Mr. McDonald) justified the statement made by the President of the Council, that a saving of quite \$500,000 or \$600,000 would be effected by remissions of duties to Nova Scotia fishermen. The member for Châteauguay had denied that statement, but he (Mr. McDonald) read from returns to show that the amount of duty levied on Nova Scotia fish in the United States was fully equal to the sum stated by the President of the Council. Under the Treaty, our fish trade would be immensely larger than it was at present. Although slavery had been abolished, the negro had not, and they, with the poor whites in the South, consumed largely of our fish, and we should do a very large export business when the prohibitory duties were removed.

He was surprised to find gentlemen now clamouring for a protective policy which they were denouncing a few years ago. He read copies of extracts from journals which only a year and a half ago had advocated the protection policy, and even they were willing to admit the Americans to fish without any restriction except that they should take out a license, as they admitted we should have more than an equivalent in the

increase of trade. The fisheries had not been transferred to any foreign power; we still had absolute control over them; our republican neighbours were only admitted for a certain time to fish side by side with us, the right, however, remaining with Canada; and this was what the people of Nova Scotia advocated only a short time ago.

The House of Assembly of Nova Scotia, which met in May last, did not object to the Treaty. No man in the Legislature there dared say it was unjust. They had no word of complaint to make, and had there been a desire to censure the Dominion Government in this matter, they would have been only too glad to have done so; but by their silence they had given consent, and knew they would be doing one of the most unpopular things by objecting to it. He denied the assertion of the hon. member for Halifax that none but the Annexationists of Nova Scotia were in favour of the Treaty. The people of Nova Scotia would look upon the passing of it as a boon to their fishing interests.

The coal or lumber trades would not be injured, and we should have a guarantee that all matters of difference between the United States and us would be settled permanently on their own merits and on a satisfactory basis.

For these reasons he would oppose all amendments tending to defeat the ratification of the Treaty. (*Cheers.*)

**Mr. FORTIN** rose at two o'clock amid cries of "adjourn" and "go on". He said that the expressions he uttered last year when the fisheries question was under discussion had formed the basis of his argument.

He reviewed the history of the fisheries, and argued that, if the Treaty should be ratified, the Americans would gain 2,000 miles of fishing coast, while Canadians would gain only 350 miles. If foreign fishermen were allowed to fish in Canadian waters, Canada should get compensation equal to what they give, and that compensation should be especially for the benefit of the maritime people. By the Treaty of Washington they did not get that compensation.

He would not undertake to speak for Nova Scotia and New Brunswick generally, but only for the County of Gaspé and neighbouring coast. Gaspé had 270 miles of coast and a population of 2,500 fishermen, and he could speak of that without being considered selfish.

He had heard some gentlemen in the House say that, by the Treaty, the fishing interests would be benefited; but he could not agree with them. The American Government had, during the last fifty years, expended about seven millions of dollars in encouraging and developing the fisheries. On account of the superior equipment of American vessels, the Canadian fishermen could not compete with them, and he feared that the

May 15, 1872

operation of the Treaty would injure in a very material way the interests of the maritime population of the coasts of Canada. Some gentlemen had referred to the Maritime Islands, but in these waters Americans had equal rights with Canadians.

He had reflected seriously upon the matter, and did not believe that the ratification or rejection of the Treaty would affect the settlement of the Alabama or any other questions in dispute between Great Britain and the United States. He had come to the conclusion that he would vote against the ratification of the Treaty, but could not accept the amendment of the hon. member for Oxford South, nor yet that of the hon. member for Durham West.

**Mr. STREET** rose at a quarter after two o'clock. He said that great irritation and annoyance had prevailed in his part of the country, where the Fenian raid had taken place, in consequence of the non-allowance of the Fenian claims by the United States. The people on the Niagara frontier had hoped that the American people would have been called upon to allow those claims, in order that they might be reminded of their duty towards a friendly neighbour; and he regretted that they had not been pressed. He would state, however, that none of the sufferers were in want of that compensation which was due to them, for the Government of Canada had promptly sent Commissioners to ascertain the extent of injuries sustained, and remunerated the sufferers. Although it might not be satisfactory to some of them, yet they, being loyal and true to the British Crown, would be ready to accept the Treaty notwithstanding the objection he had alluded to.

He had heard all the arguments against the Treaty, and, although it was objectionable in some of its clauses, he had come to the conclusion that in the interests of this country and the Empire we ought to accept the Treaty. He thought the opening of the St. Lawrence to the American trade was just what this country required, and if we did not get that trade there would be no necessity for enlarging the canals. They were large enough for our purposes already. Other advantages were secured which had previously been doubtful. There was the bonding system, as to which there had always been great alarm that it might be cut off, when, in their present position, they would be left without any suitable port which they could approach for the purpose of importing goods during a very considerable portion of the year. By the time the period had expired, if Canada had progressed, as he believed she would, and had peace and harmony, she would make such progress and such advancement as that she would have her own communications with the ocean, and would no longer be dependent on the bonding system. It was not his intention to go over the other arguments, because it was so late, also because they had already been dealt with.

Viewed as a whole, however, it appeared to him that the Treaty ought to be accepted. He believed England had put herself to serious inconvenience, and in consequence of the vulnerable position of Canada she had ceded much for the sake of peace. As Canada is a part of the Empire, we must take this good with the bad,

and if she has to make sacrifices under the Treaty, it was our duty to do so cheerfully. It had been said that all the opposition to the Treaty came from Ontario. No doubt some from Ontario were opposed to it; but there were also many in its favour, because they wanted to do an act of justice to the Maritime Provinces, the members from which had shown how advantageous the Treaty would be to those provinces.

He looked upon it as a great Imperial question, and he hoped that, when it came to be voted on, there would be a large majority in favour of the Treaty, and that the vote would be taken that night. The discussion had been full on both sides of the House and all the members were as well informed as they could be, and he hoped that after the question had been disposed of, the business of Parliament would be proceeded with in the ordinary manner.

**Mr. SCATCHERD** said members from the Maritime Provinces and British Columbia had spoken of the advantages the Treaty would afford to their Provinces, but that was not the ground on which the Government offered it to the House.

The Treaty was presented as not acceptable until the guarantee was promised by England. For many years he had heard of the value of the fisheries, and last year the Minister of Justice had said that the right to fish within three miles of our shores could not be ceded away without the consent of Canada. The Treaty was signed in May, 1871, and in June the Government in their despatch spoke of the Treaty as most objectionable, because there was no adequate compensation for the fisheries. Great stress had been made by the Government on the money consideration. The Minister of Justice had stated that Parliament was free to accept or reject, and therefore the real question to be considered was whether Canada secured adequate compensation for the rights she ceded away. He believed not.

He referred to the remark of the Minister of Finance that the howl arose from the Grits of Ontario, and said it was those very Grits who placed him in Parliament and power. He believed it was in the interest of the country that the Treaty should be rejected.

**Hon. Mr. ANGLIN** moved the adjournment of the debate, seconded by **Hon. Mr. MACKENZIE**, amid loud cries from the Government side of "go on", "go on". "Call in members".

**Hon. Mr. MACKENZIE** said he hoped the Government would not refuse to adjourn the debate. He had not had an opportunity himself to speak, and if the Government chose to place themselves in the position of refusing hon. gentlemen an opportunity to present their views—if they insisted on continuing the debate at this hour in the morning, after an exhaustive day's work—they need not hope to come to a vote tonight.

**Hon. Mr. HOLTON** hoped that the Government would lend their aid to see that this great debate was brought to a satisfactory termination, and that they would assent to an adjournment.

*(Cries from the Government side of "Call in the members!")*



**Hon. Sir JOHN A. MACDONALD** said there had been the usual understanding that a vote would be taken tonight unless they wanted to sit until August. There could be more discussion at a future stage if the vote was taken tonight.

**Hon. Mr. MACKENZIE** said he wished to speak at this stage, and was not able to speak this morning.

**Hon. Mr. BLAKE** hoped that the Government would consent to an adjournment. He reminded the Government that the greater part of this debate had been occupied by friends of the Government; that the House had given two of its days to the debate; and if another were occupied it would be a House day and not a Government one. He hoped the Government would consent to an adjournment.

*(Cries from the Government side of "go on", "go on".)*

**Hon. Sir JOHN A. MACDONALD** said, after the statements of the hon. member for Durham West, that he would assent to an adjournment on the understanding that the vote would be taken tomorrow, and that there would be as little debate as possible on the other stages.

**Hon. Mr. MACKENZIE** said that the hon. member for Durham West had not promised that the vote would be taken tomorrow. He was not aware that there was any intention on his side to re-open the debate at a subsequent stage.

**Hon. Sir JOHN A. MACDONALD** assented to an adjournment.

**Hon. Mr. ANGLIN** said he had no idea of speaking at the other stages of this Bill.

The House adjourned at three o'clock.

May 16, 1872

## HOUSE OF COMMONS

Thursday, May 16, 1872

The **SPEAKER** took the chair at 3.20 p.m.

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*Prayers*

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After routine,

### THE TREATY OF WASHINGTON BILL

**Hon. Mr. ANGLIN** resumed the debate upon the second reading of the bill to give effect to the Treaty of Washington. He said that although there could be no doubt of the result of the debate, yet the responsibility resting upon every member was of the most serious character, and therefore he thought that on considering the question they were one and all bound to look at it in all its aspects, not merely in its bearing upon the Dominion, but upon the interests of the Empire at large.

Before he proceeded he would protest against the effort that had been made by one member of the Government, and by others in the House, to accuse those who took objection to the Treaty of being actuated by party motives. The hon. President of the Council (Hon. Mr. Tupper) should have been the last to have taken that course for that gentleman had, on the very day he believed that this Treaty was signed, in an address to his constituents, demonstrated the importance of obtaining for Nova Scotia through those negotiations, and by the proper disposal of the fisheries, a renewal of the Reciprocity Treaty, not reciprocity merely in the matter of fish, but such reciprocal trade arrangements as would open the markets of the United States, as well to fish as to coal and agricultural products, and stone, and other articles previously exported from Nova Scotia free of duty. That same gentleman some time after the Treaty had been published, after there had been ample time for consideration, became a party to the minute of Council of July 28th, in which, in the strongest terms, he condemned the Treaty as unjust to the Dominion; and now we find him urging that Treaty upon the acceptance of the House, because, as he alleged, it was essentially a good and profitable bargain. He (Hon. Mr. Anglin) would not undertake to say what had produced that extraordinary change of view; but the hon. gentleman should not have charged any one, after the course he had taken, with acting from party motives in the case. He (Hon. Mr. Anglin) disclaimed for his own part any such motives; in fact, he did not know how party interests were to be served in this particular matter.

He took a somewhat different view of the Treaty from any that he heard expressed, and he would review the circumstances antecedent to the negotiations which led to this Treaty. In the session of 1871

when the papers were brought down, he was somewhat pleased at finding the extraordinary zeal on behalf of the interests of the Dominion displayed by the Government of the Dominion. He was astonished to find that they had pressed upon the Imperial Government with such earnestness for a settlement of a question which, although an important one, was not then engaging the attention of the people of the country. The hon. Minister of Justice (Hon. Sir Francis Hincks), in a speech introducing this subject to the House at that time, had told us that the fishermen were insisting on a settlement of the headland question. He (Hon. Mr. Anglin) represented a community largely engaged in the fishing business, and he had never heard that this headland question was pressed in any way, either by the fishermen or by the merchants engaged in the business, and therefore it struck him as extraordinary that the Government should at that time have shown such zeal in pressing that question.

He was also surprised at the course they took to protect the fisheries; their instructions, and their policy, and the conduct of their officers was of the most extraordinary kind. The people of Nova Scotia and Prince Edward Island during the existence of the Reciprocity Treaty and after its abrogation—the price of the various materials had become so high in the United States—were in the habit of supplying American fishermen with a very large proportion of the material required for their business and the trade was found to be a lucrative one. Well, these six fast sailing schooners, assisted by the cruisers of Her Majesty, were employed not so much in protecting the fisheries as in driving away that trade from Prince Edward Island and the Strait of Canso, and his idea was that this policy had been adopted to harass the Island of Prince Edward, and compel them to come into the Confederation. He could not imagine to what else the policy of the Government tended at that time. Prince Edward Island was then largely engaged in the fishing business, and some of the vessels employed in it were seized because, although they were registered in the name of British subjects, they were held to be the property of American citizens, and they were captured although those people were residing in the Island and doing business there. It was also the habit of Americans to land at Charlottetown and other ports, and ship fish there for the American market, taking them in free in American bottoms. That trade greatly benefited our fishermen, but it also was put an end to. His impression then was that these measures were dictated entirely for the purposes of coercing Prince Edward Island into the Confederacy.

His feelings upon that point, however, had been greatly shaken, when he saw the report of the debate in the House of Lords which the Finance Minister had quoted some days ago. In that debate Earl Granville had given a full and minute account of the manner in



which the negotiations with the United States in regard to the Alabama claims had been re-opened. After setting forth what had occurred before his acceptance of office, the noble Lord had said that he had carried out strictly the policy of his predecessor which was a policy of quiet acceptance of the position. That policy had been carried out till the autumn of 1870 when certain circumstances occurred which rendered it necessary that the British Government should review the position of England with regard to the other States of Europe and the great powers of the world. That review forced the Government to the conviction that something had to be done to establish better relations with the United States.

The noble Lord had then gone on to tell the House that he had received letters of various kinds from persons resident in the United States which assured him that a great change was going on in popular feeling in that country and that, though the people felt hurt and aggrieved at the manner in which they had been treated by England, nevertheless, there was a growing desire among them that a final and satisfactory settlement of all difficulties should be arrived at. Still Lord Granville had not been satisfied with these assurances for he had told the House that he had made further inquiries, and that he had also employed a gentleman who was familiar with the United States and had a complete knowledge of the people, to ascertain, in a perfectly confidential manner, what their real views were upon the subject. The result of these inquiries, the noble Lord had stated, was to satisfy him that there was a strong feeling in the United States in the direction of an amicable adjustment of the differences between the two countries. This was the substance of what Lord Granville had stated in that debate and he (Hon. Mr. Anglin) would not detain the House by reading the exact language employed.

Well, about this time, when these inquiries were in progress, the Postmaster General of Canada (Hon. Senator Campbell) made his appearance in the Colonial Office. There was a strange coincidence in this and he thought it was a fair inference that the British Government with that wisdom which characterized them in many of their proceedings saw that here was an opportunity of providing what they thought was the best mode of introducing the subject of the Alabama controversy. He (Hon. Mr. Anglin), with that coincidence before him, had a strong suspicion that the extraordinary demand then made by our Government had really been put forward at that juncture in order to carry out the peculiar views of Lord Granville as to the means of renewing at Washington the negotiations respecting the Alabama. Taking into account, then, the extraordinary fact that Mr. Campbell had appeared in London at that time, it did seem to him (Hon. Mr. Anglin) that, from first to last, this House had not been treated with that frankness and confidence with which the representatives of four millions of people, who were asked to sacrifice their rights for the welfare and happiness of the Empire, should be treated; but rather that they had been treated in a manner which certainly did not call for any such sacrifices on their part and which tended, on the contrary, to make them take a local and selfish view of the whole matter. (*Hear, hear.*)

The Finance Minister had said that he "regretted exceedingly"—that, he (Hon. Mr. Anglin) thought, was the expression—that the larger question of the Alabama claims had been mixed up with the fishery question. The hon. gentleman had also said that the Government had felt it to be a cause of embarrassment that the gentleman who filled the place of First Minister (Hon. Sir John A. Macdonald) had been appointed upon the Commission. He (Hon. Mr. Anglin) did not suppose that the Finance Minister (Hon. Sir Francis Hincks) was aware of what was going on at that time and that the whole of the correspondence respecting the fishery question was really intended to prepare the way for what subsequently took place. The House knew that information was sometimes concealed by some members of the Cabinet from the knowledge of their colleagues for had not the Secretary of State (Hon. Senator Aikins) complained on a recent occasion that he had been kept in ignorance of some of the proceedings of the Government, and had not the Minister of Justice (Hon. Sir John A. Macdonald) himself, in his opening speech, stated that he had received a communication from the Governor-General respecting his appointment as a Commissioner upon the express condition that he was to keep the matter secret from his colleagues? It was not to be wondered at, therefore, that the Finance Minister had not apprehended to what the whole of these proceedings tended, and that he had not fathomed the purposes which underlaid what he had regretted—the mixing up of the Alabama question with that relating to the fisheries. If that was a cause of regret to the Minister of Finance, the Minister of Justice had frankly expressed a different view, for he had told the House that he rejoiced that the fishery question had offered an opportunity which led to the re-opening of the Alabama negotiation.

Now if the result of these negotiations had been satisfactory, every member of the House would have shared in that feeling of gratification and would have been equally rejoiced with the Minister of Justice that any sacrifices which it was within the power of this country to make that contributed to the welfare and happiness of the Empire at large. When it had been otherwise, however, when the result had been to make sacrifices uselessly, he (Hon. Mr. Anglin) could not but feel in view of all the facts that we had not been treated with that frankness which was due to the people of this country. (*Hear, hear.*)

As to the position of the First Minister upon the Commission he would not have much to say. Our Colonial condition was such as to render certain anomalies inevitable. The Governor-General of the Dominion was at the same time the agent of the British Government, and the chief of our constitutional system. He was bound to act upon the instructions of the Imperial authorities, and sometimes his duty in that respect clashed with his duty as the head of the Government. It had occurred over and over again in the past, and might occur in the future, when he would have to act rather at the dictation of the Colonial Office than as the head of the Canadian Administration, when he would have to become a partisan on one side or the other, and sometimes have to set all parties at defiance. In the same way, when the First Minister accepted a seat on the Commission he had become an agent of the Imperial authorities,

May 16, 1872

bound to do what they instructed him to do. That he should have occupied that position while he was at the same time Prime Minister of this country was an extraordinary anomaly in our political system. It was much to be regretted that the hon. gentleman had ever accepted the position.

His acceptance of it had done incalculable, immeasurable mischief to the Dominion; but, at the same time, he (Hon. Mr. Anglin) was free to admit that in accepting it the hon. gentleman had been actuated by a sincere desire to do what was fair to both countries, loyally to serve his sovereign and to regard the just rights of this Dominion. (*Hear, hear.*) He did not believe the hon. gentleman while at Washington had ever thought of betraying our interests. Perhaps, in point of fact, he had betrayed them; perhaps he had yielded to the influences as well as the arguments that had been brought to bear upon him—of that he knew nothing. We were left a great deal to conjecture in that respect, and in the absence of information were compelled to judge by results; but, looking at those results, disastrous to the country as he believed them to be, he still could not persuade himself that the First Minister, while at Washington, had not, to the best of his ability—and no one could doubt the greatness of that ability—and to the best of his power, subject as he had been to such influences, done his duty to this country. (*Hear, hear.*) Whether the hon. gentleman should or should not have resigned his commission when he discovered what was to be done, when he found that the interests of this country were to be injured, he (Hon. Mr. Anglin) would not say.

In the strangely inconsistent speech which the hon. gentleman had himself delivered in this House he had stated in one sentence that having accepted the duty he could not have withdrawn from the discharge of it, while a few moments afterwards he had said that if power had not been reserved to this Parliament in regard to the fishery articles, his name would never have been signed to the Treaty. His (Hon. Mr. Anglin's) impression, from what had been said in the debate of last session and from all the correspondence and discussion, was that there was a mass of proof perfectly overwhelming in its character to show that the Minister of Justice, when appointed a Commissioner, had virtually been appointed as the representative of Canada.

This impression was confirmed by reference to a despatch of Lord Kimberley, who, in presenting reasons for the acceptance of the fishery articles, had stated his belief "that the Canadian people consider that they were represented on the Commission by a member of their own Government." Now, theoretically, Canada as such had no representation there, for we all knew that every member of the Commission who had been appointed by the Imperial Government was there as a British Commissioner. But was there anything inconsistent in the character of a Canadian representative and a British Commissioner? He (Hon. Mr. Anglin) thought not, and while there was nothing in the whole correspondence to show that there was, we had the express declaration of Lord Kimberly that Canada was represented by a member of her own Government. (*Hear, hear.*)

He would now pass to a consideration of the Treaty itself, endeavouring to avoid ground that had been travelled over already. One of the great merits that had been claimed for the Minister of Justice—one of the wonderful achievements he was said to have performed—was that he had obtained a recognition of the right of Canada to be considered at all in a matter of this kind, and it had been even said that this was the first time a colony had been so considered. Well, in reference to that, it had been shown that in 1854 all the Governments of all the Provinces had been consulted and invited to send representatives to Washington not, it was true, to sit as commissioners or ambassadors, but to advise the representative of Great Britain as to what concerned the people of these Provinces, and what was required for the protection of their interests. Such representatives had gone, and, after the Treaty had been ratified by the two Governments, it was nevertheless reserved for the final acceptance or rejection, not of one Parliament alone, but the Legislatures of all the Provinces. That surely was going as far as if there had been a special clause inserted in the Treaty providing that the question should not be determined until it had received the assent of the Provincial Legislatures.

But there was something more in the case. The Minister of Justice had said that when he saw the despatch of Lord Kimberley in which it was stated that the fisheries might be disposed of to the United States for a money consideration, he had felt uneasy, and had protested against it; that the Government here in Canada had also felt uneasy and had entered into correspondence with the Colonial Office; and that then had come the despatch of the 17th of March declaring that none of our rights should be disposed of without our consent. That despatch—and he (Hon. Mr. Anglin) was astonished to find that it had not attracted attention in this particular respect—pointed out in the clearest way that such reservation was unnecessary. Lord Kimberley, in urging that the Americans should at once be admitted to our fishing grounds, had said: "The fishery rights of Canada are now under the protection of a Canadian Act of Parliament, the repeal of which would be necessary in case of the cession of those rights to any foreign power."

The First Minister had argued that Great Britain, if she felt disposed, had a right to give away those fisheries, and even the very soil of this country. Well, if might was right she had the power; if might was right an Act of the Imperial Parliament would not only dispose of our fisheries but would transfer the whole of this Dominion to the United States and override all the protests that the Parliament and people of Canada might make. That would not have been a first instance in which the territorial rights of the people had been given away by the act of a superior power. It was not so long ago since monarchies exercised the right of bartering away parts of their kingdoms, and so too might the Imperial Parliament, without our consent, barter away the territory of this Dominion; but in protesting against that wrong we should have the right which justice, truth, and constitutional law would give us, and that right Lord Kimberley acknowledged. (*Hear, hear.*) Unless the Imperial Government and Parliament were prepared to disregard all justice



they could not have done what it was suggested it was in their power to do.

He believed therefore that, although the Minister of Justice had done all he could have done to maintain and guard the interests of this country, he was not entitled to a title of credit for the clause that enabled the House to discuss this subject today; not, indeed, that the House was free to discuss it entirely apart from undue influences, for instead of being thus free to deal with it it might be said that hon. members were called upon to accept the Treaty at the point of the bayonet. (*Cries of "Oh, oh."*)

An hon. gentleman had cried "Oh, oh," but he wondered if that hon. member had heard the speech of the First Minister in which he had painted all the horrors of war as being an almost inevitable consequence of the rejection of this Treaty. He (Hon. Mr. Anglin) repeated that they were not in this Parliament legislating freely as the representatives of a free people ought to do. They were here considering a grave matter, deeply affecting the interests of this country, subjected to influence of an overwhelming character, which compelled this House—two-thirds of the members of which believed the Treaty to be unjust—to accept it or risk the consequences, which compelled many of them to observe a silence more eloquent than words, and to vote in silence for a treaty which every man of them deemed to be an outrage upon the liberty of this country. No, they were not as free as they ought to be, not as free as it had been promised in the House of Lords when the Queen's speech was delivered they would be, when it was promised that this House would have full liberty when called upon to deliberate, to accept or reject the Treaty. (*Hear, hear.*)

Coming to the advantages or disadvantages of the Treaty, he might say that while it gave away more than the Treaty of 1854 had given away, it secured to us much less in return. It gave to the Americans, he believed, forever the right to fish on our coasts, in return for which we obtain the right to fish on American coasts; but that right he believed to be of very little value indeed to our people. Then as to the surrender of the St. Lawrence, although it had been represented as of no value, if it did not strike at our territorial integrity, all the ideas of national right maintained in the world bore a vast political mistake. It had been said that it was of trifling importance, and that we might as well yield it because the Americans had set their hearts upon it. But he believed that it was a concession of the very first importance. (*Hear, hear.*) It had been said, too, that we had secured the bonding system. He thought on the contrary, that the Treaty placed the bonding system in a much more precarious position than before. It was now liable to terminate with the Treaty at the end of twelve years, and if we had not at that time lapsed into independence, as one hon. gentleman had expressed it, or become annexed as others apprehended, we should find ourselves face to face with a new difficulty. The United States would probably have fresh

demands to make, some new claim upon which they had set their hearts, unless we conceded, which then would put an end to the system.

Then it had been said that the privilege of carrying grain from one American port to another, provided it passed over a portion of Canadian territory, was of great value to us. Perhaps it was. He was not sufficiently acquainted with the Western trade to say, but he presumed, not having been purchased at so high a price, it must be of some importance. What had we paid for that? Why we had bound ourselves to allow American lumber to pass down the river to Saint John free of duty, and American vessels to pass through our canals on the same terms as our own. But, "Oh," hon. gentlemen said, "we are very glad to allow these vessels to use our canals, because it builds up the trade of the country." Quite true; but was not the same true of the bonding system of the United States, and of the carrying trade of the world? Was it not true that the passage of Canadian goods over their territory built up their trade and benefited their people? Why then were we told that the bonding privilege was of so great value to the United States although we had to pay their enormous charges, while on the other hand when we gave a similar right to them it was said to be of no consequence whatever? He did not understand, and he did not think the country would understand, that mode of reasoning.

It had been argued by hon. members that the Treaty would confer a vast benefit on the fishermen of this country. His own impression was, take it all in all, that, though there might be some exceptions, the fishermen did not want it. He had made it his duty to visit his constituents and hold meetings amongst them, for the purpose of ascertaining their wishes with regard to the Treaty. He had explained the whole subject very fully to them, and from end to end of the county, which was largely interested in the fishery business, he had just met two gentlemen who were willing that the Treaty should go into operation. It might be that the fishermen of Guysborough and Lunenburg had large vessels, fully manned and equipped, to compete with vessels of the United States, but such was not the case with the fishermen along the St. Lawrence and the Bay of Chaleur. These fishermen usually fished in small smacks manned by three men and a boy, and even with the advantage of the present protective system they complained of outrages on the part of American crews, who came down in large vessels with magnificent equipments, and sometimes actually drove our fishermen away and took possession of the coast. The American fishermen were frequently reckless, desperate characters, and if their conduct now was a subject of complaint, what could it be when they would have a right under this Treaty to enter our waters and take fish wherever they could find them? (*Hear, hear.*) He read from the report of the Minister of Marine (Hon. Senator Mitchell) to show that outrages of this nature had been frequent on the coast, and he had no doubt that, when American fishermen obtained a right

May 16, 1872

to do what they now did stealthily, collisions would be unavoidable and that even a larger police force would be necessary than was maintained at present.

On the whole he did not believe that the fishermen of that part of the country wanted the Treaty, and he now stood here as representing as large a fishing community as any in the Lower Provinces, to say that the fishermen had no wish to enjoy the advantages which this Treaty was said to give them.

But suppose it did as much as its warmest advocates claimed for it, were there no other interests in this wide Dominion that required to be cared for? (*Hear, hear.*) What became of the great agricultural interests of Ontario, the coal interests of Nova Scotia, the lumbering interests of New Brunswick, and all those other vast and varied interests of the Dominion? Were those all to be sacrificed for the sake of the fishing interests, even supposing that they were served by the Treaty? (*Hear, hear.*) It might be said that this was the best that could have been obtained; but he for one was not satisfied to barter away our fisheries for any such paltry price; and, as far as his voice and vote would go, he would resist the attempt so to dispose of them.

He referred to the minute of Council of July 28th to show that the Government had taken as strong a view of the subject as any he had expressed. They had put their opinion into as strong language as was consistent with respect for the authorities whom they addressed. He denied the statement of the Finance Minister that the whole of the opposition to this Treaty had come from the Province of Ontario. When it was first published, a cry of indignation had arisen in all parts of the country, and in the city of St. John the people had gathered together in agitated crowds, and he had scarcely ever seen so much excitement. Nor had the opposition been confined to one party; for the most violent opponents of the measure were gentlemen who had supported the Government from the first day of Confederation. (*Hear, hear.*) It was not the howl of a party in a particular province, but the united voice of people of the whole Dominion raised in condemnation. Day after day gentlemen had come to him in the city of St. John, asking what the probability was as to the passing of the Treaty. "Surely," they had said, "the Parliament of Canada was not so bereft of all regard for the interests of the country as to consent to the passage of that measure." He had assured them that it was his conviction that it would be carried into effect, and by a large majority, and his anticipation had been all but realized. The howl, then, was not from any particular party. They had got rid of protesting in the Lower Provinces; but he utterly denied, as far as his experience went, that there had been any change of opinion in New Brunswick. (*Hear, hear.*)

He thought that ninety-nine hundredths of the people of that Province would vote for the rejection of the Treaty if they were asked. The Legislature of the Province, yielding to public

opinion, expressing for once in their existence the public opinion of the country, had unanimously passed resolutions condemning the Treaty, and those resolutions now stood on the Journals of the House, unretracted and precisely as they passed. No further expression of indignation would be made, and certainly no resistance would be offered; but public opinion had not changed. They were as ready to acknowledge their duties to the Empire as any other part of the Dominion. (*Hear, hear.*)

The hon. Minister of Justice, in the course of his speech, had claimed merits for the Treaty of a most extraordinary kind, and had frequently contradicted himself. He had spoken of the fisheries as of great value, and had said that the subject was of such grave importance that, unless it was settled, he feared bloodshed would ensue; but afterwards he had told us that they were of very little value to the Americans. He (Hon. Mr. Anglin) was sorry that the hon. gentleman should have taken the course of undervaluing our fisheries. The Minister of Justice had seen fit to read to the House anonymous communications of American jurists, tending to show that their rights under the Treaty of 1793 had not been abrogated, and he had treated the opinion as if it were a serious matter of consideration, and had boasted that that point had been set at rest by the Treaty. He (Hon. Mr. Anglin) repudiated altogether any such claims, and maintained that our rights were without any doubt whatever. While undervaluing our fisheries he (Hon. Sir John A. Macdonald) had set a great value on the fisheries of the United States, and had stated that the United States could prevent our fishermen from getting menhaden and could come within three or four miles of our coast and draw all our mackerel away. But, if that was possible, he (Hon. Mr. Anglin) thought that we would have lost our mackerel long ago. He regretted that the Minister of Justice should have undervalued our fisheries in any way, as it would no doubt have its effect upon the arbitration to take place under the provisions of the Treaty for deciding what additional compensation should be awarded us.

With regard to the navigation of the St. Lawrence, it had been said that the speech of the hon. member for Peel (Hon. Mr. Cameron) had thrown a flood of light upon the sophistries of the member for Bothwell (Mr. Mills). He (Hon. Mr. Anglin) had listened very attentively to that speech but had not found that he had met the argument of the hon. member for Bothwell. He had alluded to a great many authorities which, in his (Hon. Mr. Anglin's) opinion, did not meet the point at all. He considered the speech of the hon. Minister of Justice a mass of contradictions. He had no doubt that that gentleman had great difficulties to overcome, but he (Hon. Mr. Anglin) thought that the greatest difficulty he now had to contend with was the minute of July 28. It was really hard to understand why that minute of Council was written or why, having been written, the Government should have come to the conclusion to press the measure before the House.



It was said that this Treaty would have the effect of establishing perpetual peace; but in his opinion it was not calculated to do anything of that kind as it left unsettled the very question which endangered most seriously the peace of this country and the ministry themselves had so stated in the minute. The Fenian question had been left unsettled; and the headland question, which had been made the pretext for opening negotiations, was also left in abeyance; and this fact would render it impossible for the arbitrators to determine, not merely the value of the fisheries, but what our fisheries actually were. He again alluded to the changed position of the Government since July 1871, and could not understand what should have induced the change. The correspondence did not throw any light on the subject.

The Secretary of State for the Provinces (Hon. Mr. Howe), in speaking of the minute of July, had called it "an able, eloquent and powerful document," and so it was, but he (Hon. Mr. Howe) had said, "After having put those views so forcibly before the Imperial Government, and having failed to convince them, what were they to do?" Before that question could be answered, the hon. gentleman should say what they expected to gain by that despatch. The hon. member for Sherbrooke (Hon. Sir A.T. Galt) had framed a very ingenious and plausible reason to account for the change. He (Hon. Sir A.T. Galt) had said that the Imperial Government had threatened a severance of the colonial connection if the Treaty were not accepted, and but for the action of a member of the House that statement would have been allowed to go uncontradicted.

He might well ask what reasons had induced this change of opinion, when one considered the language of the despatch of the 28th of July. It was true the Government had not refused positively to introduce this measure, but they had described it as a measure which no Canadian would dare to introduce to the Canadian Parliament, as a measure repugnant to the people of the country, and as a measure not necessary for the settlement of Imperial questions, and they further ventured to state to the Imperial Government that they had not obtained any advantage which should require such sacrifice on the part of Canada.

Why were we required to make that sacrifice now? They were told that fresh difficulties had arisen because of the claim for consequential damages and that there was danger of another rupture between England and the United States and that, therefore, we should do all in our power to help England by adopting this Treaty for that reason. He (Hon. Mr. Anglin) considered that we should not do so because ratification would not affect the settlement. If the greater question were not settled our legislation would be worse than useless.

We were asked to believe that the promise of the guarantee was in some way or other the reason for the change of opinion. That was not, however, put forward very positively; it was rather insinuated. We were told of the great advantages of this guarantee: that it would save us a large amount of money annually, and would at

once place forty millions of dollars within reach of the people of this country. But in his opinion the speculators in rings which were already being formed in connection with the Pacific Railway would get possession of the spoils. But it had not been positively asserted that the offer of the guarantee was the cause of the change of policy, and he considered the position of the Government a most extraordinary one. The Minister of Justice had described, one after the other, the dreadful results of rejection of the Treaty; but according to the position of things all those results would have been risked if the Imperial Government had not offered the guarantee.

He could not believe that the correspondence put the case before the House fairly; it was a case as the Government chose to put it. He had been asked to regard this guarantee as in some way or other to make up the difference between the terms offered for the privilege of mutual fishing in our waters and the great value of that privilege.

That had been put forward but he could not believe that the Government of this country, or any man, would for so mean, so base and sordid a motive as that, accept a treaty previously described as unjust and injurious to the interests of the Dominion. It was putting the loyalty of the country on the Stock Exchange; it was taking advantage of the difficulties of England; talking all the time about our loyalty, but taking advantage of her extremity, and, in a manner, putting a pistol to her head and demanding her money.

From the terms of the papers it seemed that there was a way which the Privy Council thought their hands would be so strengthened as to enable them to abandon the Fenian claims and introduce the measure to Parliament with a fair prospect of success, and yet this measure was the same that they before deemed unfair and unjust. Hon. gentlemen might smile, but the matter was one for tears rather than laughter. The views he had expressed were his honest convictions, and he would be recreant to his duty and his country if he did not state these views in the plainest language.

From suggestions made by hon. gentlemen, England could not mistake their meaning, and how humiliating must it have been to England to find that a measure for the peace of the Empire had to be purchased at the hands of Canada. He quoted from a speech of Lord Cairns, which he said seemed to show that Canada would do England a service if by rejecting the Treaty she should open a way for a new settlement.

He had at first intended to oppose the Treaty by a silent vote, but after he got the correspondence in his hands and found they were asked to dishonour the country, to degrade Parliament, and disgrace the Government, he felt himself bound to declare that he for one would be no party to such a measure. (*Cheers.*)

**Hon. Mr. TILLEY** said he must say that the hon. gentleman had made a very able and, for him, a very important speech. As a member of the Government, however, he must at the very outset repudiate the statement that had been made by the hon. member

May 16, 1872

today, and yesterday by the member for Hochelaga (Hon. Mr. Dorion), and which had been repeated over and over again, that the Government had receded from the position they took in the despatch of the 28th July. They stood by that despatch, and it was satisfactory to know that the hon. gentlemen opposite recorded their entire approval of the sentiments then expressed.

He defied hon. gentlemen to show any inconsistency on the part of the Government. In July the Government occupied the very same position which they occupied during the negotiations at Washington, when they protested against the terms of the Treaty relating to the fisheries. Later they repeated the protest, and what more could they do? And now the matter was before them and there was the utmost freedom of discussion. The Government expressed their dissent from the Treaty. And why? Because they did not obtain the reciprocal trade which was enjoyed under the old Treaty, because the fisheries were exchanged for free fish and free fish oil, and a money value of which they did not know the amount, and also because the Fenian claims were not settled. These were the objections taken by the Government, and they were expressed in language which even the member for Durham West (Hon. Mr. Blake) admitted was stronger than he would have been justified in using. The same opinion was expressed by the Government in January, and, as the member for Gloucester (Hon. Mr. Anglin) had stated, there was then no suggestion of a condition on which the Government would recommend the Treaty to Parliament.

The Government recognized the difficulties of an Imperial and a local character which might flow from a rejection of the Treaty, and therefore, in the desire to remove those difficulties, they asked for some just and proper settlement of the expenditure in repelling the Fenians from the land. They knew what was the sentiment on the subject throughout the length and breadth of the country and he believed that, if there had been an absence of such a settlement, it would have been most difficult to carry the measure through Parliament. The Government had consulted on the matter and they considered that, inasmuch as the Imperial Government assumed the responsibility of withdrawing the claims on Imperial grounds, there was some honourable way in which the difficulty could be solved. The member for Hochelaga (Hon. Mr. Dorion) had termed the arrangement "base, sordid and mean."

He would suppose that that hon. gentleman was a minor, and that as such his father had to transact his business, and that in doing so his father, in consideration of his own interests, found it necessary to sacrifice those of his son. Well, suppose the hon. gentleman went to his father and said, "You have assumed this responsibility; now pay me, but you can assist me without putting your hand in your own pocket. Your credit is good; endorse my paper; it will be no sacrifice to you, and it will be a liquidation of my just claims." Would there be anything "mean," "sordid" or "base" in that? Nothing of the kind. And if the Government had not secured some such arrangement they would have been denounced and condemned for neglecting the interests of the Dominion. (*Cheers.*)

The question now was not whether we approved of the Treaty, but whether in the interests of the Empire and the Dominion it was

expedient to accept or to reject it. He held that a rejection would endanger the relations of the Empire with the neighbouring republic. It was well known that during the last few years as well as before 1854, there was a possibility in the enforcement of the fishery laws and more than a possibility of unpleasant relations arising between the two countries. The hon. member for Halifax (Mr. Jones) had spoken of the excitement throughout the United States in connection with the cutting out of the Horton, and everyone knew the anxiety that existed on the other side of the Atlantic in reference to the matter. Was it not therefore expedient that the Treaty should be adopted and so have these dangers ended?

The hon. member for Gloucester (Hon. Mr. Anglin) had spoken of the change of sentiment with regard to the Treaty since its provisions first became known. That change, however, was not so much on the merits of the Treaty but in the expediency of adopting it, and he believed an overwhelming majority of the people of the Dominion would now say "accept". Then, again, would a rejection of the Treaty render the people of the United States more friendly or better disposed to Canada? Would it produce a greater inclination to grant reciprocity? He recollected being at Washington in 1865 when coming in contact with leading men there they told him the Reciprocity Treaty would not be renewed because, among other reasons, they had an old grudge against Canada for the sympathy she manifested during the Civil War and because they believed the abrogation of the Treaty would bring about annexation. A great part of this feeling, however, had since passed away, and everyone who read the United States newspapers would see the wonderful and extraordinary change that had taken place, and if Canada now carried the Treaty into effect, as far as she was concerned, she would remove every vestige of the ill-feeling that formerly existed and that barred the way to reciprocity. There were many in the United States who believed that withholding reciprocity would induce annexation, and he did not hesitate to say that those who expressed themselves in favour of independence had unwittingly done more to prevent reciprocity than anyone else. The Government individually and collectively did not approve of the Treaty, but for the sake of Imperial interests, and the sake of maintaining British connection, they were ready to accept it and so do away with all ideas of annexation.

Looking at the financial aspects of the matter, the member for Châteauguay (Hon. Mr. Holton) touched the point yesterday—this speech was one of the ablest he ever delivered—in pointing out the liabilities Canada was about to incur. Setting aside the question of the guarantee altogether, he believed that Canada going into the market to raise a loan of \$40,000,000 on her own responsibility, with all questions of dispute between England and the United States arranged, and with an almost certainty of permanent peace, could gain at least one per cent better terms than if those questions remained open, and the Minister of Justice (Hon. Sir John A. Macdonald) had stated that he was not speaking off the book when he said that. If all the questions were arranged Canada would probably receive a guarantee of 4,000,000 pounds so that the Minister of Finance was justified in stating that there would be a saving in this respect of \$600,000. Then again, if all the questions



in dispute with the United States were amicably settled, there would be no necessity for fortifications and so a saving might possibly be effected in the militia expense. Then there would be a saving in the marine police and he believed, taking all these items into consideration, and adding the amount Canada would receive for the excess value of her fisheries—which amount ought to be very large—the financial benefit to Canada represented by the Treaty would amount to \$1,000,000 a year.

Without enlarging on the subject, he desired to place this view before the consideration of the House and he believed the country would say: “Though the Treaty is unfair, you did right under the circumstances. You have saved us a large amount and given us additional means for the construction of our public works and you have discharged your duty.” He understood the member for Gloucester (Hon. Mr. Anglin) to charge that an attempt had been made by the Dominion Government to coerce Prince Edward Island and that police vessels were sent down there to destroy their trade. When the hon. member ventured such an assertion, he did so without any foundation. The vessels that went to Prince Edward Island were Imperial vessels with Imperial officers, and no Dominion vessels were sent at all.

It being six o'clock the House rose.

### AFTER RECESS

**Hon. Mr. TILLEY** resumed his remarks. He desired to state briefly the points to which he had referred before six o'clock. He then went through the arguments he had previously used as to the charge of inconsistency brought against the Government, their action in suggestion the guarantee on account of the Fenian claims, and the withdrawal of those claims in England.

He repeated that there was nothing base or mean in the transaction, and maintained that the Treaty should be accepted on the ground that it would increase the harmony and good feeling between the United States and the Dominion, and would prevent complications between the Imperial and the United States Governments. They had exerted every influence to obtain reciprocal trade with Canada in order that they might have access to our fisheries, but no, as a body, they are against the Treaty. They did not desire to have their markets thrown open.

Ben Butler was using every influence he could to defeat the Treaty. Another leading politician from the same section had advocated the giving of bounties. It had been asserted by the member for Durham West (Hon. Mr. Blake) that our fishermen would not be in a fair position because the American Government would give bounties.

A member of the Government had stated that it was against the spirit of the Treaty to give bounties. He held that the greatest chance of success was in the establishment of kindness and friendly relations with the United States. The masses of the country would

desire cheap fuel and would bring influence upon Congress to repeal the duty on coal and similarly salt, lumber, and other articles; and looking at the bill before them, he could undertake to say that the rejection of the Treaty would certainly not put Canada in a better position. It was of the utmost importance to Canada that she should be on friendly relations with the United States in view of the loans they required to raise for the public works they had put their hands to.

He was in England in 1861, during the Trent difficulty and when the delegation, of which he was a member, endeavoured to raise the guarantee for the Intercolonial Railway, they were told by the Messrs. Baring that there would be great difficulty in selling securities for that purpose so long as there was danger of hostilities between Great Britain and the United States.

They would remember the difficulty they were in at Confederation, when they had a loan of about two and a half millions in the Bank of Montreal because Canada could not float her securities. It was not confined to a Government question, but every man throughout the Dominion who owned a pound would be affected by it. Reject the Treaty and they would have to ask the people of Canada to raise from one-half to three-quarters of a million of dollars a year by direct taxation for the public works they were about to undertake.

He did not hesitate to say that had he been in opposition and the Government had come down with the same measure submitted by the Government of to-day, he would have taken the ground of his hon. friend, the member for Châteauguay (Hon. Mr. Holton). He would have said that he did not think the Treaty was what they should have had, but it was better to accept than reject it. He would leave the matter in the hands of the House. He was confident that he could go back to his constituents and defend his vote for the Treaty better than if he voted against it.

**Hon. Mr. MACKENZIE** said that one of the charges made by hon. gentlemen opposite on the introduction of this bill was that the Opposition, probably the member for Durham West (Hon. Mr. Blake) and himself, had sought to take exception to the Treaty in order to make political capital. He desired to deal with that point before proceeding to consider some matters that he desired to review in connection with the discussion. The member for Cumberland (Hon. Mr. Tupper) had endeavoured to show, in order to fasten upon the member for Durham West and himself, that we were controlled by another power and forced to accept an attitude of hostility towards the Treaty, and that it was after certain articles had appeared in the *Globe* that they had taken their course. Within a day or two of the Treaty being made known, they held a consultation and resolved to take the first opportunity of making known those views.

He (Hon. Mr. Mackenzie) was not able to attend the meeting held on the 18th May in Wellington but the member for Durham West had done so. On the 19th the first hostile criticism appeared. (*Cries of “No, no,” from Ministerial benches.*) Hon. gentlemen might cry

May 16, 1872

“no” if they pleased; the speech of his hon. friend was reported in the *Globe* on the 19th.

**Hon. Mr. TUPPER:** The hon. gentleman will find that the speech appeared in the *Globe* of the 20th.

**Hon. Mr. MACKENZIE:** That might be. He was about to say that on the 18th the resolutions passed by the New Brunswick Legislature made their appearance. It was not a point that he cared to prove one way or other. What he wished to say was that he knew no man in the whole Dominion who was so well entitled to be consulted regarding political issues as the hon. gentleman who controlled the *Globe*. He had been his personal and political friend for over twenty years, and he (Hon. Mr. Mackenzie) would be ill-worthy of being called a friend, if he had failed on this occasion to say that it was a friendship both political and personal, of which any one might well feel proud, and he would not hesitate at any time to say he would always be glad, in consulting leading men of the country, to give that gentleman a foremost place.

But they had other functions to perform than that hon. gentleman had as member of Parliament. He (Hon. Mr. Mackenzie) had some friends around him who were pleased and placed some confidence in him, however unworthy he might be of that confidence, and on consulting these friends, or such as were available at the time, he had found that the unanimous opinion was that of hostility to the Treaty.

He had taken occasion on the first opportunity, the 5th or 7th of June, in Middlesex West, to give full expression to his opinions. Those opinions had never been varied. If he was disposed to prove this, he could do so from the newspaper, partly owned, he believed, by and under the control of the leader of the Government (Hon. Sir John A. Macdonald), who, in addition to all his important functions, had become a newspaper proprietor.

From these facts the House could easily judge whether they, as a political party, sought to obtain a political advantage from circumstances connected with the Treaty. They did not know what course the Administration might take, but they knew this: that as public men they were bound to take an attitude in relation to that Treaty, and having maturely and carefully considered everything in connection with it, they came to the determination that, as patriotic public men, their duty was clearly to reject the Treaty. The Premier had alluded to his remarks at one of those public meetings, as evidence that he (Hon. Mr. Mackenzie) had taken precisely the same grounds that he now took.

He had some few facts to look at in considering what we should do now in relation to the Treaty. In the first place, what was the object sought to be attained? The hon. gentleman who had just set down had discussed the Treaty most fairly, from his point of view, unlike the hon. gentleman beside him (alluding to Hon. Sir Francis Hincks) who had sought merely to asperse the characters of his political opponents. He (Hon. Mr. Mackenzie) looked at the matter in this way: The only point of dispute that could possibly result in

war between Great Britain and the United States was that connected with the escape of the Alabama.

There was no single point of controversy between this Colony, as an integral part of the British Empire, and the United States that could in any possibility result in war. There was no dispute regarding the position of this country with respect to the three mile limit. That was the view taken by almost everyone who had spoken, except indeed some members of the administration, and notably the Premier, who had spoken of this as a matter concerning which considerable doubt rested in the minds of some people. He had not said that there was any doubt in his own mind, but he had given it to be understood that because certain parties in the United States had written to that effect, it was a question between the two nations whether we could claim an undisputed right to those territorial limits beyond the coast of our Maritime Provinces.

He thought there was no use in wasting time to prove that there had been no dispute since the Treaty of 1818 in relation to that. It had been admitted frankly by the United States on all occasions and it did not require the present Treaty to confirm what never had been doubted. The only point then in dispute between this country and the United States was the question of measurement across the mouths of bays over six miles wide, commonly known as the headland question.

True, the President of the United States had, in his message, set up an absurd and foolish claim to the free navigation of the St. Lawrence as a natural right, but every one knew who had examined the question of the navigation of river, forming either part of a boundary through a country, or flowing into the ocean from the territory of another power, was always a matter of treaty. We know that the navigation of the Danube was a matter of treaty, and we know that the United States Government could not, according to the accepted interpretation of International Law, have made good the claim that the President had made and to assume that that was a ground of serious dispute between the two countries was begging the question and putting an argument into the mouths of those who were hostile to the interests of this country.

Then the only question that could by any possibility cause war was the question of the escape of the Alabama and if that was the only point, we were reduced to this issue. He knew that it was quite competent for the American and British Governments to accept one part of the Treaty without the other. It was known that the British Commissioners and Government expressly reserved for this country the right to say whether those sections of the Treaty that related specially to Canadian interests, so far as the fisheries were concerned, should be accepted by us or not, as we pleased.

He had assumed at the first that that was done in good faith. He had supposed that it was not a mere empty promise, that it was not intended to keep the promise to the eye only, but also to make it absolutely good, if this House thought it advisable to reject those clauses. Hon. gentlemen opposite had taken it for granted that it



would have been a very dreadful thing to reject the Treaty that it would surely produce ill will.

But the American Senate had rejected the Reverdy Johnson Treaty. Had that produced any ill feeling on the part of this country? Was England reduced to a state bordering upon war because of that rejection? No doubt the English public would expect the ratification of the Treaty, but no Englishman would ever dream of making it a cause of war because the Senate had refused to ratify it.

The hon. gentlemen opposite had been driven from pillar to post during this debate. He had watched carefully the arguments on both sides, and while there had been much declamation and much argument on questions not at issue, the only point that had really been reached at last was this: that we were obliged to accept this Treaty because there was a fear that if we did not accept it the two nations would be plunged into war.

He would say at once, frankly, that if we were quite certain that the British Government believed that such would be the result, much as he would feel humiliated, it would greatly influence his position; but he knew that it was absolute nonsense to talk in that way. If it was determined by the contracting parties that the rejection of the Treaty by Canada was to be so very serious a matter, then they were bound not to present it to us and have gone through the solemn farce of having it presented for ratification, while they determined it should be ratified at all hazards.

He had said that, while he believed that the diplomatic policy of the United States was almost always aggressive, he said also he believed there was a sufficient number of public men in that country who were sufficiently devoted to the cause of maintaining public law and who would scorn to make such a petty pretence a cause of hostilities. This being the case, as he thought was clearly proved by the admissions of hon. gentlemen opposite, and by the fact of its being referred to us, the question arose whether any other considerations were likely to arise which should influence this House in considering the Treaty. He was not aware of any other considerations. There might be some. He had pressed the Government for information on that point, but without success.

He had been told by the hon. member for Sherbrooke (Hon. Sir A.T. Galt) whose argument was carefully prepared that he accepted the Treaty because he was positive that something had occurred between 28th July and the 15th April which had necessitated this Government asking that the Treaty, which they had previously declared to be so barren in results to this country, be ratified. He had since then had the declaration of the Premier that there was no such pressure, that we were as absolutely free as any person could be in making a choice in the matter, and in the speech quoted by the Finance Minister (Hon. Sir Francis Hincks) the other night, Lord Cairns had taken care to point out that if the consent of the Canadian Parliament was to be obtained, the British Government must not use any pressure, that they must have the advantage of a

perfectly free opinion. Were we to have a perfectly free opinion? If we were not driven by considerations that influenced the hon. member for Sherbrooke, who condemned the Treaty, if it was not true that there was such a pressure from the Imperial Government, what were we induced to believe?

Why, the only thing that remained was that we were asked to accept the Treaty for the sake of the pecuniary advantages that were supposed to be derived from the guarantee. Nothing more paltry or humiliating could scarcely be imagined than to ask us to sacrifice natural rights for a small consideration in money. He would not haggle about the amount, but would allow the full figure of six hundred thousand dollars per annum. We had the opinions of English journals in relation to this matter. He here quoted from a paper to the effect that it was to be hoped that the Canadian Parliament would fearlessly discharge their duty to their constituents, irrespective of the bait offered to them, and in answer to an hon. member stated that he was reading from the Canadian News. (*Laughter.*)

But even taking the ground of hon. gentlemen opposite, the result would not be just. We had the authority of the gentleman who dictated the minute of July 28th for saying that even if the Treaty was accepted, it would not remove the cause of trouble. How was that? In one place we were asked to accept it because it would effectually secure feelings of amity and friendship and remove all cause of trouble, and in another place we were told that it would not have that effect.

The results were put in this minute very carefully, first, that the principal cause of difference between Canada and the United States had not been removed, but remained a subject for anxiety. What was it that remained a cause of anxiety? Why, every one knew that the only subject of dispute was the headland question, and that that question must be settled before there could be a removal of all causes of anxiety between the two countries. But experience of American diplomacy had been extremely disadvantageous, and it behooves us not to put any trust or confidence in the diplomacy that was constantly exacting and never yielded. But while we know that on every occasion when a national dispute had arisen between the two countries those astute diplomatists had got the advantage of Great Britain; when we knew that they had got an advantage at the present moment, while they knew all this, the House was blindly rushing on to place them in a position to demand more at our hands.

If we were to obtain exact justice in questions which would arise again between the United States and the Dominion, we must take care to insist upon every atom of our national rights as they now existed, and he for one would not allow, on the mere pretence that our resistance to the exaction on their part was to produce a state of war. He was astonished that the Premier, who did not seem to have resisted the cession of the navigation of the St. Lawrence, had not endeavoured to secure to British subjects the navigation of the Columbia River. How was it that that subject was overlooked? It was because there had been a great neglect of Canadian interests in

May 16, 1872

that matter, and we would have a repetition of this whenever a commission was appointed between the two countries, unless we at once took a stand for our rights as a people.

It was not necessary, he thought, to say anything more about the equivalent received for the navigation of the St. Lawrence, as the hon. member for Westmorland (Hon. Mr. Smith) had completely demolished the arguments of the member for Peel (Hon. Mr. Cameron) on that subject. The American Government had given nothing for that privilege. To say that they had given us the navigation of Lake Michigan was nothing, because we had that before they had been obliged to give us that navigation to get the use of the Welland Canal.

With regard to the coasting trade, he contended that it was of very little value, and that it was only when freights were high that our people derived any material advantage from it. If that part of the Treaty had been in operation last year, he admitted that our merchants would have reaped very considerable advantage from it. (*Hear, hear, from Ministerial benches.*) As the privileges derived from the bonding system, those were contingent upon the Americans obtaining the use of our canals.

**Hon. Sir JOHN A. MACDONALD:** No, no, I deny that.

**Hon. Mr. MACKENZIE** had read the Treaty in that way and he went on to contend that it was no great advantage to Canadian commerce and the Canadian people would not suffer if it were withdrawn, for in this case the Canadian merchant would send his agent to New York, to which place he imported, and ship his goods to Canada in bond as an American subject. Besides there was no danger of the bonding system being abolished as the Americans were only too glad to get the carrying trade which it brought them, and no people but madmen would give that up to gratify a foolish national spite.

The hon. gentleman would find, if he looked up the comments upon the President's speech which appeared in the New York papers, that everybody laughed at it as nonsense and as a silly unmeaning threat. But there was no threat. It merely pointed out that this would be done unless certain things took place. He (Hon. Mr. Mackenzie) was not afraid of its being done and a reason why, if the system were abolished, we should not be injured, was that with the Intercolonial opened we should be able to take advantage of the ports of St. John and Halifax and he hoped, before long, a winter port on the St. Lawrence. He had been amused at the alacrity with which the hon. Finance Minister (Hon. Sir Francis Hincks) attacked his old friends, the Reformers, in order that he might show his devotion to his new allies, he (Hon. Mr. Mackenzie) supposed.

**Hon. Sir FRANCIS HINCKS:** Not on these benches.

**Hon. Mr. MACKENZIE** continued that he had been strongly reminded, while listening to the remarks of the hon. gentleman, of a speech of the hon. member for Lanark North (Hon. Mr. McDougall). He then quoted from a speech in which Hon. Mr. McDougall then said that the whole burden of certain speeches was "Brown"; they

were Brown at beginning, Brown in the middle, and Brown at the end.

**Hon. Sir JOHN A. MACDONALD:** He's "Done Brown" now.

**Hon. Mr. MACKENZIE** said that some one else would be done brown before long. He then alluded to the speech of the hon. member for Toronto West (Mr. Harrison) who had placed the Treaty in abeyance in order to attack the Ontario Government. He (Hon. Mr. Mackenzie) was not here to defend that Government, nor was this the time or place. The hon. gentleman was willing to admit that the Treaty was a bad one, but then Hon. Mr. Blake and Hon. Mr. Mackenzie had voted more money for railways than they ought to have done. The Treaty ought not to be accepted, hon. gentleman had said; but then Hon. Mr. Mackenzie was President of the Isolated Risk Insurance Company. (*Laughter.*) That was the source of the argument the hon. gentleman had followed, and yet he had set himself up as a constitutional lawyer. That was the way he had discussed a great national subject, and yet he had presumed to lecture to others on the way in which they should carry the debate. He would not follow the hon. gentleman but would endeavour to discuss the Treaty on its merit.

Well, what had hon. gentlemen opposite said of those merits? They had said the Treaty was one that would not meet the just expectations of the country; they had said it was one that would not settle, even if ratified, the cause of difficulty between Great Britain and the United States; they had said that the acceptance of money for cession of territorial rights was repugnant to the feelings of the Canadian people; they had spoken in different parts of correspondence of the dissatisfaction that prevailed, saying that the disapprobation of the Treaty was general, from one end of the country to the other, alike in the agricultural and maritime districts; and yet in the face of all that, without a shadow of proof to show that the Treaty would have the slightest effect in settling the causes of difficulty between England and the United States, they had come down and asked the House to accept it, giving as the only reason that if we did so we were to get a guarantee of two and a half millions. (*Hear, hear.*)

For the sake of this paltry advantage we would have to undergo the humiliation of seeing the correspondence of the hon. gentleman opposite brought down to the English House of Commons, where he could easily imagine with what feelings members would read those passages where the Canadian Government had thrown out hints as to what they were willing to take for accepting the Treaty. It was difficult to say who acted the worse part in this wretched huckstering: the one part that had asked for four millions, or the other that had offered two and a half with which hon. gentlemen had closed.

Thus there was only one reason given why the House should accept the Treaty. He admitted at once that we had national obligations to fulfil. He admitted, and he had said before, that we could not ask the British taxpayer to maintain an army in this country, believing we were able to do our fair share in the defence



of the Empire, by preserving the integrity of our frontiers. We had taken upon ourselves these obligations and we were entitled, therefore, to consider matters that related to Canada from a purely Canadian stand-point. He admitted that in certain circumstances we would be obliged, as it would be our duty, to forget the Canadian point of view and take that view hon. gentlemen had referred to as the Imperial, and which contemplated the interests of the Empire at large as distinguished from Colonial interests. But Imperial interests, if embodied in an Imperial policy, and sought to be forced upon any Colonial possession by the pressure of British ministers, would inevitably produce a feeling that would ultimately result in consequences that he and every man in this House would view with serious censure and alarm. If we were to have a "national policy," to use a word he was almost ashamed to employ because it had been prostituted to such unworthy purposes, let it be one that would command the respect of all men. Let not this country be treated as a spoiled child, but let us enquire whether the interests of the Empire were such as to call for sacrifices on our part. He had come to the conclusion that there was no such call for sacrifices. We were not asked by the Imperial Government to make them, for, by the terms of the Treaty itself, the whole matter was left to the decision of the Canadian Parliament.

He combatted the assertion of the Minister of Justice (Hon. Sir John A. Macdonald) that the vote of this House in repealing certain duties last year had affected the negotiations at Washington, and pointed out that when that hon. gentleman had denounced those who had voted for that repeal, he condemned many of his own supporters including some of his colleagues who had sustained that measure.

He then alluded to the dissatisfaction that the Treaty had caused among the fishermen, together with resolutions that had been passed concerning it by the Legislatures of New Brunswick and Nova Scotia. He had communicated with leading gentlemen in the Lower Provinces and received replies that satisfied him that nothing had ever been so unpopular in those Provinces as the Treaty. He could not therefore receive as conclusive the statements of hon. members from those Provinces who declared that the Treaty was acceptable to the fishermen.

In any case, whether the fishermen were satisfied or not, he claimed that the people of Ontario had as much right to be considered by the House. They had a deep and very serious interest in the matter. During two years previous to the repeal of the Reciprocity Treaty that Province had exported over thirteen millions of produce to the United States.

Since that period a vast proportion of that kind of produce had paid tribute to the United States because of the repeal of the Treaty. They believed that, right or wrong, so long as we held the gates of the St. Lawrence River, and the fisheries, we held a weapon in our hands that would compel a regard for that system of trade which was so convenient, if not absolutely necessary, to the two countries having so long a contiguous boundary.

This was the view that had been taken by the Minister of Justice, but he and the Minister of Customs (Hon. Mr. Tilley) had received new light upon the subject and decried the value of those levers towards obtaining reciprocity in trade. He (Hon. Mr. Mackenzie) did not think the reasons that had been adduced by hon. gentlemen were at all sufficient to justify the House in giving its assent to this Treaty, and to that opinion he adverted. While he freely admitted that an occasion might arise when it might become necessary for members of the House to consider what they would have to do for the sake of that political connection which they all believed it advisable to continue, he had almost sickened at the reiterations of loyalty that had found so much room in this debate.

He felt loyalty for the British Crown and the British nation. He felt that it was a privilege to belong to that great country; but, while entertaining that feeling, he could not but remember that there was a patriotism that could not be characterized by that sentimental name of loyalty; there was a patriotism every man must feel who has a country to legislate for, if he occupied a representative's position in the Legislature of that country and he considered that his position as a Canadian representative demanded of him that he should give his first and best regards to the country he was most deeply interested in.

There was a motto which was sometimes used from picnics which was applicable and which he would quote: "the subject who is truly loyal to the chief magistrate will neither advise nor submit to arbitrary measures." (*Hear, hear.*)

And he would say that if this Treaty was deliberately adopted by this House it would be adopted against the declared convictions of nine-tenths of the members of the House. (*Hear, hear.*) The consciences of hon. members were decidedly and unequivocally against the Treaty. The hon. gentleman who had spoken last had declared it to be a bad treaty and one that met his condemnation, and he had endorsed every word of that now famous Order in Council of 28th of July last. Great Britain had said, "If you think this Treaty a bad one don't ratify it. You know what best suits your own interests, and we have left the whole matter to your own free choice, to accept it or not, as your view of your interests may seem to require." If these things were true why had they been told that they must accept it in the interests of the Empire? (*Hear, hear.*)

When the Empire asked them to accept it in the interest of the Empire it would be time enough to consider in that light. The Empire had not asked it, and if it had, he would feel inclined to discuss the question which was involved in such a concession as this. The question which was involved, as he had stated, was a cession of territorial rights. (*Hear, hear.*)

The hon. member for Peel (Hon. Mr. Cameron) and the able and eloquent speech he had made upon this subject had asked if there was really anything so very objectionable after all in this cession of territorial rights. Had not Spain, he had asked, and France, and Russia sold colonies to other powers? But there was a difference

May 16, 1872

between a nation selling that part of its territory which was unproductable and unprofitable, and bringing pressure from without upon a people in order to force them to cede territorial rights, and yield for a money consideration property they preferred and desired to keep. (*Hear, hear.*)

He had heard the Secretary of State speak of the Nova Scotia coast as the "ocean farms" of the Dominion but now the hon. gentleman by this Treaty was forced, whether he liked it or not, to admit a partner to his farms while he and his colleagues affected to believe that the British Government was pressing upon them to sell one-half of that domain to America in order to purchase peace for England. (*Hear, hear.*) He (Hon. Mr. Mackenzie) did not believe it was necessary to do that and hon. gentlemen opposite had failed to prove that. Then if it was done, would this country and the relations of the Empire with the United States be in a better position than before?

We knew the policy of the United States, the temper and character of its people, and we might be sure that if this concession was made within five years some new demand based upon what was yielded in this Treaty would be put forth, some new concession would have to be made to the Republic to gratify its insatiable and rapacious maw. (*Hear, hear.*) He did not, could not, believe that England was a party to any such sacrifice as that. If we were to be compelled to humiliate ourselves in order to satisfy the claims of the neighbouring Republic he for one would prefer that we should pass out of our present state of existence and take some other political form (*Ministerial cries of Hear, hear.*), some form under which we would have at least the right of exhibiting an independent spirit, and not be subject to such control as the hon. gentleman had asked the House to believe was imposed upon us. (*Hear, hear.*) But he did not believe it, he believed the hon. gentleman opposite had attributed to England intention she had never entertained, that they had never been authorized to place England in the position in which she had been presented, and that the purpose they had in view was one unworthy of gentlemen representing a young and growing community in connection with a power that was sufficient to protect its subjects on every land and every sea. (*Opposition cheers.*)

That seemed to be the position of the case and when he had listened to all that had been said on the question he confessed that he was still more confirmed in his impression at the end of this long debate that it was entirely wrong, in the circumstances in which we were placed, to act in the way hon. gentlemen opposite had sought to enforce upon them.

He regretted the sentiments that had been expressed by the hon. member for Sherbrooke (Hon. Sir A.T. Galt) because he did not believe that hon. gentleman had truly represented the feelings of the great heart of the people of this country. He did not believe there was that trouble in our future relations, if we declined to accede to this demand, which hon. gentlemen opposite pretended to fear; on the contrary, he believed that if we firmly followed out the true policy of preserving with integrity the territorial rights committed to our care in this country and of maintaining an attitude of perfect

independence towards the people of the United States, we should prove ourselves to them to be as capable of as great thoughts and as brilliant a destiny as those who are constantly and loudly lauding about their manifest destiny being to swallow up the entire continent. (*Cheers.*) He did not believe that even this acceptance of the Treaty, bad as it was, would influence our people in the direction indicated by the hon. member for Sherbrooke; but that it would make a feeling of deep dissatisfaction there was no possible doubt, and where dissatisfaction prevailed it must find expression in some way or other in public affairs. If this Treaty were adopted, as he supposed it would be, (*Hear, hear.*) it would be for hon. gentlemen to consider in what shape that dissatisfaction would find expression.

The whole question had been very fully and ably discussed on both sides and it was now for hon. members to say whether this Treaty was to become a realized fact in our history. He trusted it would not and he appealed to hon. gentlemen not to deal with it from any consideration of party. He did not wish to make it a party matter; he wished to have it dealt with on its merits, and although the hon. gentleman opposite was responsible for it as our representative, although his colleagues were responsible with him, and although the carrying of the amendment would be a vote of want of confidence, still, after all, what did it matter? The country would survive, even though this House did declare its want of confidence in the Government, even though these men should pass away, even though most of them in that House were taken away; the country would still live and perhaps not seriously miss them from the ranks of its public men.

It was of incalculably greater importance than the preservation of a Government, or the success of a party, that these feelings should be cultivated which stimulated a buoyant and national spirit, without which no people could hope to achieve a great future. He had endeavoured to take as large a view of the question as possible, a generous view of the liabilities imposed on us as a colony, and as liberal a view of the duty we owe to Great Britain. He believed, judging from all the information he had received, from all the arguments he had heard, and from what seemed to him to be our plain duty in the matter, that clearly the best thing for Canada that could be done by the House was to give a vote adverse to the course the Government proposed to pursue, to give a vote upon the Government measure that would have the effect of destroying that one-sided Treaty, which, if accomplished, would have all the disastrous consequences that the hon. gentlemen themselves had alleged in their minute of the 28th July would be the inevitable result of the Treaty. (*Hear, hear.*)

He then discussed the question of the Fenian claims, remarking that although he did not care for a money compensation for those claims the country should have received some assurance that the wrongs it had suffered in the past would not be repeated. The Treaty was altogether unsatisfactory on that point; for while England had expressed regret on account of the escape of the Alabama, the United States had no apology to offer for the escape of land pirates to murder our people. He contrasted this with the



conduct of Canada during the American war, mentioning that in order to satisfy the United States, Parliament had been called upon to make good the money taken by raiders from St. Albans banks.

**Hon. Sir JOHN A. MACDONALD** said that not a sixpence had been paid for the losses.

**Hon. Mr. MACKENZIE** said that this was the most extraordinary statement he ever heard. The question would come up again, and he would be prepared with proofs.

**Hon. Mr. DORION** bore testimony to the accuracy of Hon. Mr. Mackenzie's statement.

**Hon. Mr. MACKENZIE** apologized to the House for having occupied so much time, but he had felt that on this occasion it was desirable that he should speak in the plainest terms the convictions he had attained on this question which affected so deeply the future of the country. He presumed the Treaty would be carried; it would prove disastrous to the country in more ways than one. He would do his part to discharge his duty whether the Government carried the Bill or not. If it was carried he would bow to the decision of the House, and do the best he could in order to carry on the affairs of the country in that prosperous state they all hoped it would continue in. If the Government carried the bill, as he had no doubt they would, he would be able to refer at some future time to what he had said tonight, in order to show that he at least had raised his voice in protest against this national wrong and degradation. (*Cheers.*)

**Hon. Mr. MORRIS** did not intend to detain the House long but could not allow the extraordinary speech just delivered to pass without comment. The hon. member held no position in the House that justified him in saying to a large majority that they were voting against their consciences. What right had he to arrogate to himself such a tone? He could tell the hon. gentleman that he (Hon. Mr. Morris) was surrounded by men on both sides of the House who were above all imputations of sinning against their consciences. There were some other very extraordinary utterances of the hon. member to which he would have to refer. That hon. member, as well as the member for Durham West (Hon. Mr. Blake), was most anxious to establish the point that they had taken the lead in the advanced Reform opinion of the country, saying that on the 18th or 19th May they had made the first utterances of their party. On the 11th May, however, the *Globe* came out with a decided and pronounced utterance against the adoption of the Treaty. The hon. gentleman said there had been no variance of opinion on the part of the Opposition but there had been a very great variance. On the 6th of June the members for Lambton (Hon. Mr. Mackenzie) and Durham West addressed a meeting at Strathroy taking strong grounds against the Treaty, and a declaration of policy was then made by the latter which, during the present debate, he had not ventured to repeat. The member for Hants (Hon. Mr. Howe) had been taunted over and over again for his utterances, but the member for Durham West stated at the meeting mentioned that Canada was on the eve of a most serious crisis and that one of the things that most moved him in opposition to the Treaty was that it was the

beginning of the end. The member for Lambton had that night disclosed what he contemplated that end would be, but the member for Durham West did not speak in the same direction. He endeavoured to show that the inevitable results of the Treaty would be separation or a reorganization of the Empire. The hon. member made no such declarations now however.

The question before the House was whether or not they should— it being at the request of the Parliament and people of England— give our assent to the Canadian questions reserved for our free and unfettered disposal by England. The member for Lambton stated that the only possible chance of war was the Alabama question but there was higher authority than his. He quoted from speeches of the leaders of the English Government to show that they regarded the other questions in dispute as being very likely to cause serious results between the two countries. The hon. member then asked the House if they were going through a solemn farce in passing the bill when its passage had really been a foregone conclusion. This was not correct. The Queen had reserved for the decision of the Canadian Parliament the clauses in question and Canada was asked to give her free and unfettered assent, and he knew right well that it would be given. The House would take a large, generous view of the position. They would remember the difficulties and responsibilities of the Imperial Government and the immense sacrifice they had made.

The hon. gentleman said he felt humiliated at the idea that Canada was asked to assent to these clauses. Must not the people of England have felt some humiliation when they agreed to place on record an apology for the escape of the Alabama? Though they maintained that they had committed no international wrong they did it for the sake of peace. He referred to the action of the English Opposition, who did not embarrass the Government, but desired a peaceful and honourable settlement of the matter and the same feeling pervaded in this Parliament also. The Government were prepared to meet the country in a short time and to discuss the great questions they have dealt with and he knew well what the issue would be. It would not be what the hon. gentleman anticipated. That hon. gentleman had stated that the only consideration presented to the House for the adoption of the Treaty was the guarantee, and he said that that consideration was paltry, pitiful, and humiliating. The course of the Government had been misrepresented time and again and it had been said that the Government approved of the Treaty. Their dissent was shown by their despatches to the British Government. Then they were taunted for inconsistency and were asked what had induced them to change. The reason was obvious.

There were two questions, the fisheries and the Fenian claims, and the Government desired to take the latter cause of difficulty out of the arena. They were willing to make a sacrifice, but they felt that England had assumed the responsibility of dealing with Fenian claims, and it was only proper that she should meet Canada in the matter by showing that she had a great interest in the Dominion, by assisting her great works. The Government took the ground that they disapproved of the Treaty, but they would forego their strong

May 16, 1872

opinions and risk their position in order to have England linking her fortunes with Canada, and it was a boon of which every man ought to be proud that England had a second time come forward and given to our great works the impress of her reputation.

There was no humiliation in all this, and he firmly believed that by doing so, and affirming the Treaty, they would assure the permanency of the connection with Great Britain. The passage of the Treaty would be a proof of their attachment to the Empire, and he felt assured that as years went by it would be found that the alternatives spoken of were not the only ones. It was not a question of that absorption which every man would insist, but it was a question of standing, as we had done, maintaining our position in the British Empire and growing up under her protection.

**Mr. BOLTON** denied that the Maritime Provinces were generally in favour of the Treaty, and said the feeling in its favour was little more than at first. He dissented from a statement made by the Premier that if the Treaty was not affirmed Canadian fishermen would become hewers of wood and drawers of water to the Americans. The Canadian fishermen had maintained their position hitherto and would continue to do so. As to the alleged equivalents for the cession of the fisheries, if it was our duty to pass the Treaty he would prefer to do it without a question of equivalent at all, but in the interest of the Empire only.

He referred to the speech of the President of the Privy Council (Hon. Mr. Tupper) which, he said, contained many inconsistencies and which, had he been doubtful, would have inclined him against the Treaty. The Treaty was not what he would have desired, but it was the best British diplomacy could obtain. England was exceedingly anxious that it should be ratified and he could not resist that appeal; he could not say to England that he did not care what effect his action might have on her relations with foreign powers, and he could not say to the world that he did not care for the new principle of a peaceful settlement of disputes, but in the words of the Premier he would accept the Treaty with all its imperfections for the sake of peace and for the sake of the Empire and he should therefore vote against all amendments.

**Mr. ROBITAILLE** said it had been said that great benefits had arisen from the Treaty of 1854, but he believed our fishermen in these transactions were the losers. The fisheries of the United States were ruined and the influx of American vessels proved disastrous to the Canadian fishermen. The catch of fish was not nearly so large now as formerly and indeed the fishermen had now to emigrate to the north shore to follow their pursuits. The Treaty of 1854 was passed because the Americans wanted our fisheries and the Upper Canadians wanted the American market for their produce and between these interests the fisheries were sacrificed.

The Premier (Hon. Sir John A. Macdonald), in a speech which would do honour to the greatest English statesman, had placed before them the position of England and he had been much moved by his address to the loyal feelings of the members. His constituents were quite willing to bear any reasonable share of the burdens of the Empire, but they considered the Treaty asked them to sacrifice too much and he should therefore oppose the amendments and also the second reading of the bill.

**Mr. McDONALD (Middlesex West)** said hon. gentlemen need not be surprised at the course taken by the hon. member for Lambton (Hon. Mr. Mackenzie) for not more than a year ago he spoke unceasingly in favour of party government, which was his only cry. The hon. gentleman got elected by 406 majority, Mr. Sandfield Macdonald's government was overthrown, and the hon. member for Lambton took a seat in the Ontario Government, but when he went back to Middlesex West for re-election he uttered no word as to "party" then, for after preaching strict party lines, they took into the Cabinet a pronounced Conservative and added four hundred thousand dollars to the fifteen hundred thousand put by for railway purposes which they themselves before they got into power strenuously opposed. The Government of Ontario did not stand as well as they did twelve months ago. The hon. member for Lambton was not the same he was a year ago, when crying "party, party", for he was now working harmoniously with a Conservative in the Cabinet and doubtless the hon. member for Lambton felt regret at the lead of this House being taken out of his hands by the hon. member for Durham West (Hon. Mr. Blake).

Now with regard to the Treaty, he believed the people were anxious for it. It cost us at least \$100,000 a year to protect the fisheries, but the people of Ontario did not benefit by it. It was said that the Canadian fishermen could not compete with the Americans, but he should be sorry to think that they were unable to do so, considering the distance from which the Americans came, and he thought that the Treaty would greatly benefit the Maritime Provinces.

As to the canals, were we giving away any rights the Americans had not possessed from 1812 up to the present time? The canals were built for the development of the western trade, and it would be the best thing to give the Americans the free navigation of the St. Lawrence. People in a year or two would bless this Government for passing the Treaty by the majority it would be passed with tonight. How could we expect reciprocity when we could get labour much cheaper than the Americans could and had to pay large amounts off their national debt? If we could get reciprocity at the end of this Treaty it was as much as could be expected. Those who had found fault with the Treaty could not show how we could have done better. It was a wise thought of our Government to get England's endorsement to the £2,500,000 as the country



needed nothing more than the extension of vast public works for which the money would be expended. (*Hear, hear.*)

**Mr. THOMPSON (Cariboo)** thought too much time had already been wasted in discussing the Treaty and that it would have been better for many of the speakers to have circulated their views through their local organs. He considered the concessions to be made of no political value. The Treaty was not all they could expect but he thought it would be madness to reject it.

**Mr. MERRITT** said that judging from the speeches that had been made one would be led to believe that the fisheries were the principal interests of Canada. But he thought the provisions of articles 29 and 30 of the Treaty were of far greater importance. The Treaty would give an impetus to the shipping interests of Canada and many vessels were already being built in Ontario in anticipation of the ratification of the Treaty.

**Mr. SMITH (Selkirk)** would not have detained the House were it not for the remarks of the members for Gaspé (Mr. Fortin), Gloucester (Hon. Mr. Anglin) and Westmorland (Hon. Mr. Smith), as to the fisheries. For many years he had been on the coast of Labrador and, having known the people of that coast for many years before the Reciprocity Treaty of 1854, he could say that they were an honest and industrious but very poor people, living from hand to mouth. At first they looked upon that treaty with dread, fearing the competition of the Americans. The fact was that, when the Americans came the Canadians worked themselves still more and in a few years, instead of being so very poor with very few of the necessities of life and none of the luxuries, they became a well-to-do people. The number of their fish yearly increased and they found that, man to man, they were as good as those they had so dreaded. They became more manly and felt they were quite able to compete with the Americans. As it was then he was sure it would be now, and they would hail with joy the prospects of a return of that prosperity which they then enjoyed from being allowed to take their fish into the American markets. It had been said that the people of the fishery coasts were a lawless set of men. Such had not been his experience during a residence of from twenty-five to thirty years. He had known but one single case of crime, which he explained to the House.

As to the assertion that the free navigation of the Rivers Yukon and Porcupine in the northwest was of no practical use to Canadians, he thought it was otherwise. The Yukon River goes into British territory some 300 or 400 miles and while it now takes the Hudson's Bay Company several years to get their goods from England to points on that river, by the operation of the Treaty they will, if the Treaty is ratified, be able to get their stores to their destination in eighteen months. He read a letter from the Secretary of State to the United States to show that at present no person other than United States citizens can go up that river. He would vote for the Treaty.

**Mr. WORKMAN** said that representing the interests he did, it would be ill becoming if he did not give expression to the

sentiments he held on the matter under discussion. He thought the Treaty, since it was first published, had received the approval of nine-tenths of the commercial community of the city he had the honour to represent. They felt it did not give them all they ought to have but that it was a compromise and should be accepted. He regretted the course which the President of the Privy Council (Hon. Mr. Tupper) had taken in endeavouring to make the people of Canada dissatisfied with the Treaty. It was an Imperial measure and one which the Imperial Government deemed necessary for the interests of the whole Empire, and Canada should be willing to ratify it. If carried out it would give a certainty to commercial men and make them feel that they could trade with each other without fear of the future. Canada could build ships cheaper and sail them cheaper than the Americans and could bear them in their own markets. He was only too glad to see American vessels passing through the Canadian canals, lakes, and rivers, and thought everything should be done to encourage trade between the two countries.

**Mr. McCALLUM** said the feeling against the Treaty had been stimulated by gentlemen on the opposite side of the House. Canada could build vessels and equip them 33 1/2 per cent cheaper than the Americans. There had been a good deal said about giving up the use of the canals. In his opinion they ought to be only too glad to have the Americans use their canals. It had been the policy of the Government to enlarge the canals; it was so provided in the Quebec resolutions, and he was satisfied that if that policy was pursued we should have a large increase in business. As to the bonding system, the member for Lambton (Hon. Mr. Mackenzie) had said that that was nothing to the people of this country, as a man could go and live in New York, import his goods, and send them on to Canada in bond as an American citizen. It was the first time he had heard a statesman advocate that the people of this country should leave it and emigrate to another country in order to practise what would be virtually fraud. The member for Lambton also said that the Americans would not do away with the bonding system because they were anxious to get our trade. Why then should we not be anxious to enlarge our canals in order to get their trade?

As to the Fenian claims he knew there was a feeling in the part of the country he represented that the United States Government had not done their duty as a friendly power. At the same time he could not see that Great Britain was wrong in withdrawing the Fenian claims from the consideration of the Joint High Commission at Washington. If they had got damages from the American Government for calling out the volunteers, the United States would have an equal right to claim from England for consequential damages.

The member for Durham West (Hon. Mr. Blake) had referred to a certain widow's son. He had advocated the defeat of the Treaty, but had not told them what he would give them if they rejected the Treaty. If he defeated the Treaty and brought on war they would have a good many more widows and orphans. He would like to see the words "land carriage" struck out. If the canals were enlarged

May 16, 1872

Canada would practically have the coasting trade from the upper lakes to the ocean.

**Mr. STEPHENSON** said that it was not his habit to trouble the House but after sitting silent here for several nights and days he felt constrained to say a few words on so important a question.

At first, when the Treaty was made public, he had taken strong exception to the terms of it for he thought that the Commissioners at Washington had not done all they ought to have done for the interests of Canada, but subsequent investigation had shown him that they had done the best they could for us—at least the Commissioner from Canada had—and our Government, as a Government, and the Ministers, in their public capacity and in every other way, did what lay in their power, and everything that the Commissioners could do has been done. Our people thought that grain, lumber, salt, &c., should be admitted to the American market free of duty and that we ought to have reciprocity in the West. But after consideration he was convinced that all that could be done for our interests had been done and we had obtained the best terms which, under the circumstances, we could get or that the United States could give.

The question was now whether we should put ourselves in antagonism with the Imperial Government after what had been done. He thought it was our duty to accept the Treaty, faulty though it was. He was strongly in favour of better terms, but as it had been shown that we had got the best we could at the present time, he would vote for the Treaty and when he went home he felt he could give good and patriotic reasons for supporting its ratification tonight. It was to be regretted that the terms were not more liberal to Canada than they were but it was manifestly to our interest to accept them, even deficient as they were, and he should vote accordingly. (*Cheers.*)

**Mr. SCHULTZ** although representing a Province the farthest removed from the operations of the fishery clauses and therefore the least interested in them, had come resolved to be guided by the opinions of the members from Nova Scotia and New Brunswick, and after hearing their speeches and watching the question closely, he should vote for the Treaty.

**Mr. GRANT** merely wished to put himself right with his constituents. He was much pleased to say he thoroughly agreed with members and the Government in the course they had pursued and would vote for the Treaty because it will cement us together and bring about a new reciprocity which would produce the best results between Canada and America.

**Mr. HOLMES** next rose and the noise and confusion increased so that his voice was for a time completely drowned. During a lull in the noise he was heard to say that he wanted to explain to his people that he would support the Treaty. (*Loud laughter.*)

**Mr. ROSS (Dundas)** said he had a long speech written out which he drew forth from his desk amid roars of laughter. He had,

however, too much respect for himself to attempt to deliver it but he hoped to have an opportunity at an early day to deliver it to a more appreciative audience. (*Loud laughter.*)

At midnight the members were called in. The first division on **Mr. BODWELL'S** amendment, resulted as follows: —Yeas, 51; Nays, 125; majority for the Government, 74.

(*Division No. 5*)

YEAS

Members

Anglin	Béchar
Blake	Bodwell
Bourassa	Bowell
Bowman	Brown
Cameron (Huron South)	Cheval
Connell	Coupal
Delorme (Saint-Hyacinthe)	Fortier
Fournier	Geoffrion
Godin	Joly
Jones (Halifax)	Kempt
Macdonald (Glengarry)	MacFarlane
Mackenzie	Magill
McConkey	McDougall (Renfrew South)
McMonies	Metcalfe
Mills	Morison (Victoria North)
Oliver	Pâquet
Pelletier	Pozzer
Redford	Renaud
Ross (Dundas)	Ross (Prince Edward)
Ross (Victoria, N. S.)	Ross (Wellington Centre)
Rymal	Scatcherd
Snider	Stirton
Thompson (Haldimand)	Thompson (Ontario North)
Wells	White (Halton)
White (Hastings East)	Wright (York West)
Young-51	

NAYS

Members

Abbott	Archambault
Ault	Baker
Barthe	Beaty
Beaubien	Bellerose
Benoit	Bertrand
Blanchet	Bolton
Bown	Brousseau
Burton	Cameron (Inverness)
Cameron (Peel)	Campbell
Carling	Carmichael
Caron	Carter
Cartier (Sir George-É.)	Cayley
Chauveau	Coffin
Colby	Crawford (Brockville)
Crawford (Leeds South)	Cumberland
Currier	Daoust
De Cosmos	Delorme (Provencher)
Dobbie	Dorion
Drew	Dugas
Ferguson	Ferris
Fortin	Galt (Sir A.T.)
Gaucher	Gaudet
Gendron	Gibbs
Grant	Gray



Grover	Hagar
Harrison	Heath
Hincks (Sir Francis)	Holmes
Holton	Houghton
Hurdon	Irvine
Jackson	Jones (Leeds North and Grenville North)
Keeler	Killam
Kirkpatrick	Lacerte
Langevin	Langlois
Lapum	Lawson
Le Vesconte	Little
Macdonald (Sir John A.)	McDonald (Antigonish)
McDonald (Lunenburg)	McDonald (Middlesex West)
Masson (Soulanges)	Masson (Terrebonne)
McCallum	McDougall (Lanark North)
McDougall (Trois-Rivières)	McGreevy
McKeagney	Merritt
Moffatt	Morris
Morrison (Niagara)	Munroe
Nathan	Nelson
O'Connor	Pearson
Perry	Pickard
Pinsonneault	Pope
Pouliot	Power
Robitaille	Ross (Champlain)
Ryan (King's, N. B.)	Ryan (Montreal West)
Savary	Schultz
Scriver	Shanly
Simard	Smith (Selkirk)
Smith (Westmorland)	Sproat
Stephenson	Street
Sylvain	Thompson (Cariboo)
Tilley	Tourangeau
Tremblay	Tupper
Wallace (Albert)	Wallace (Vancouver Island)
Walsh	Webb
Whitehead	Willson
Wood	Workman
Wright (Ottawa County)—125	

A division was then taken on **Hon. Mr. BLAKE'S** amendment and the following was the vote. —Yeas, 52; Nays, 124. —Majority for the Government, 72.

*(Division No. 6)*

YEAS

Members	
Anglin	Béchar
Blake	Bodwell
Bourassa	Bowman
Cameron (Huron South)	Carmichael
Cheval	Connell
Coupal	Delorme (Saint-Hyacinthe)
Dorion	Fortier
Fournier	Geoffrion
Godin	Hagar
Holton	Joly
Jones (Halifax)	Kempt
Macdonald (Glengarry)	MacFarlane
Mackenzie	Magill
McConkey	McDougall (Renfrew South)
McMonies	Metcalfe
Mills	Morison (Victoria North)
Oliver	Pâquet
Pelletier	Pozer
Redford	Renaud

Ross (Prince Edward)  
 Ross (Wellington Centre)  
 Scatcherd  
 Stirton  
 Thompson (Ontario North)  
 White (Halton)  
 Wright (York West)

Ross (Victoria, N. S.)  
 Rymal  
 Snider  
 Thompson (Haldimand)  
 Wells  
 Wood  
 Young—52

NAYS

Members

Archambault  
 Baker  
 Beaty  
 Bellerose  
 Bertrand  
 Bolton  
 Bown  
 Brown  
 Cameron (Inverness)  
 Campbell  
 Caron  
 Cartier (Sir George-É.)  
 Chauveau  
 Colby  
 Crawford (Leeds South)  
 Currier  
 De Cosmos  
 Dobbie  
 Dugas  
 Ferris  
 Galt (Sir A.T.)  
 Gaudet  
 Gibbs  
 Gray  
 Harrison  
 Hinck (Sir Francis)  
 Houghton  
 Irvine  
 Jones (Leeds North and Grenville North)  
 Killam  
 Lacerte  
 Langlois  
 Lawson  
 Little  
 McDonald (Antigonish)  
 McDonald (Middlesex West)  
 Masson (Terrebonne)  
 McDougall (Lanark North)  
 McGreevy  
 Merritt  
 Morris  
 Munroe  
 Nelson  
 Pearson  
 Pickard  
 Pope  
 Power  
 Ross (Champlain)  
 Ryan (King's, N. B.)  
 Savary  
 Scriver  
 Simard  
 Smith (Westmorland)  
 Stephenson  
 Sylvain  
 Tilley  
 Tremblay  
 Wallace (Albert)

May 16, 1872

Wallace (Vancouver Island)  
Webb  
Whitehead  
Workman

Walsh  
White (Hastings East)  
Willson  
Wright (Ottawa County)—124

A division was then taken on the motion for the second reading of the bill with the following results: —Yeas, 121; Nays, 55. Majority for the Government, 66.

*(Division No. 7)*

## YEAS

## Members

Abbott	Archambault
Ault	Baker
Barthe	Beaty
Beaubien	Bellerose
Benoit	Bertrand
Blanchet	Bolton
Bown	Brousseau
Burpee	Cameron (Inverness)
Cameron (Peel)	Campbell
Carling	Carmichael
Caron	Carter
Cartier (Sir George-É.)	Cayley
Chauveau	Coffin
Colby	Crawford (Brockville)
Crawford (Leeds South)	Cumberland
Currier	Daoust
De Cosmos	Delorme (Provencher)
Dobbie	Drew
Dugas	Ferguson
Ferris	Galt (Sir A.T.)
Gaucher	Gaudet
Gendron	Gibbs
Grant	Gray
Grover	Hagar
Harrison	Heath
Hincks (Sir Francis)	Holmes
Holton	Houghton
Hurdon	Irvine
Jackson	Jones (Leeds North and Grenville North)
Keeler	Killam
Kirkpatrick	Lacerte
Langevin	Langlois
Lapum	Lawson
Le Vesconte	Little
Macdonald (Sir John A.)	McDonald (Antigonish)
McDonald (Lunenburg)	McDonald (Middlesex West)
Masson (Soulanges)	Masson (Terrebonne)
McCallum	McDougal (Lanark North)
McDougal (Trois-Rivières)	McGreevy
McKeagney	Merriitt
Moffatt	Morris
Morrison (Niagara)	Nathan

Nelson  
Pearson  
Pickard  
Pope  
Power  
Ross (Dundas)  
Ryan (Montreal West)  
Schultz  
Shanly  
Smith (Selkirk)  
Sproat  
Street  
Thompson (Cariboo)  
Tourangeau  
Tupper  
Wallace (Vancouver Island)  
Webb  
Willson  
Wright (Ottawa County)—121

O'Connor  
Perry  
Pinsonneault  
Pouliot  
Ross (Champlain)  
Ryan (King's, N. B.)  
Savary  
Scriver  
Simard  
Smith (Westmorland)  
Stephenson  
Sylvain  
Tilley  
Tremblay  
Wallace (Albert)  
Walsh  
Whitehead  
Workman

## NAYS

## Members

Anglin	Béchar
Blake	Bodwell
Bourassa	Bowell
Bowman	Brown
Cameron (Huron South)	Cheval
Connell	Coupal
Delorme (Saint-Hyacinthe)	Dorion
Fortier	Fortin
Fournier	Geoffrion
Godin	Joly
Jones (Halifax)	Kempt
Macdonald (Glengarry)	MacFarlane
Mackenzie	Magill
McConkey	McDougall (Renfrew South)
McMonies	Metcalfe
Mills	Morison (Victoria North)
Munroe	Oliver
Pâquet	Pelletier
Pozer	Redford
Renaud	Robitaille
Ross (Prince Edward)	Ross (Victoria, N. S.)
Ross (Wellington Centre)	Rymal
Scatcherd	Snider
Stirton	Thompson (Haldimand)
Thompson (Ontario North)	Wells
White (Halton)	White (East Hastings)
Wood	Wright (York West)
Young—55	

The bill was read a second time, to be referred to committee tomorrow.

The House adjourned at 1.00 a.m.





May 17, 1872

## HOUSE OF COMMONS

Friday, May 17, 1872

The **SPEAKER** took the chair at 3.25 p.m.

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*Prayers*

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## JUDGE JOHNSON'S AWARDS

**Hon. Mr. MACKENZIE** presented petition of certain residents at Fort Garry, complaining of the awards made by Judge F. G. Johnson in respect of impressment during the rebellion in that country, and asking for justice in the premises.

\* \* \*

## CONTROVERTED ELECTIONS

**Hon. Mr. CAMERON (Peel)** presented a report of the Committee on Privileges and Elections, dismissing the petitions against Mr. Donald Smith and Mr. Delorme, the members returned for Selkirk and Provencher respectively, and recommending that matters respecting the double returns of Marquette should stand over until to-morrow.

\* \* \*

## RETURNS

**Hon. Sir JOHN A. MACDONALD** presented returns to various addresses that had been voted by the House.

\* \* \*

## REPORT ADOPTED

**Hon. Mr. CAMERON (Peel)** moved the adoption of the report of the Committee on Privileges and Elections.—Carried.

\* \* \*

## REFERRED

**Hon. Mr. CAMERON (Peel)** also moved that the petition of Angus McKay be referred to the Committee.—Carried.

## NEW BILL

**Mr. PÂQUET** introduced a bill to change the name of the District Permanent Building Society of Montreal into that of the Bank of Loan and Landed Credit, and to confer on it certain powers.

\* \* \*

## HARBOURS

**Mr. FOURNIER** enquired whether it was the intention of the Government to recommend in the case of Quebec, in like manner as they proposed to do with respect to the harbours of Montreal, Toronto, Rimouski, Bathurst, Miramichi, Richibucto, Quaco, Grand Manan, Herring Cove, Havre Aux Maisons, Isle De La Magdeleine, Amherst, Mahan, Liverpool, Nova Scotia, Port Maitland, McNair's Bay, Port Hood, Cape Breton, the appropriation of a sum of money to continue the improvement commenced some years back in the harbour of Quebec with the object of forming a dock in the St. Charles River.

**Hon. Mr. LANGEVIN** said that with regard to the harbour of Montreal, the proposal of the Government was not to make a gift of such money; but by the scheme to be laid before the House the Government would recompense themselves by taxes. As to the harbour of Toronto the Harbour Commissioners had power to impose duties on merchandise coming into the harbour, and there was therefore no parity between that case and the case of Quebec harbour. A large deputation from that city, consisting of members of the Harbour Trust, the Board of Trade, and citizens generally, together with a number of members representing the district, had waited upon the Commissioner of Public Works to represent the position of the Trust and the wants of the Harbour. The decision arrived at had been that, during the recess, those bodies would consider some scheme to present to the Government in the matter, and also furnish the information which was necessary before the Government would decide upon reorganizing the Trust. If this information was ready in due time, the Government would be in a position next session to say what measure they would propose to Parliament

\* \* \*

## MASTERS OF VESSELS

**Mr. HARRISON** inquired whether it was the intention of the Government to extend the law now in force in the Maritime Provinces, as to the examination of masters and mates of vessels, to the inland waters of the Dominion.



**Hon. Sir GEORGE-É. CARTIER** said the law as it stood could hardly be applied to vessels on the inland waters; but the Minister of Marine and Fisheries (Hon. Senator Mitchell) was now considering the propriety of adopting certain corresponding regulations with regard to them. (*Hear, hear.*)

\* \* \*

#### COLLINGWOOD HARBOUR

**Mr. McCONKEY** enquired whether it was the intention of the Government to make an appropriation towards the erection of a breakwater at Collingwood harbour.

**Hon. Mr. LANGEVIN** said this subject had been considered by the Government, and the supplementary estimates, with his explanations in regard to them, would show that a decision had been arrived at.

\* \* \*

#### HARBOUR IMPROVEMENTS

**Mr. McDONALD (Lunenburg)** enquired whether it was the intention of the Government during the present year to deepen the entrance of the harbour of Antigonish, repair the wharf at Bayfield, and deepen the basin adjoining the same.

**Hon. Mr. LANGEVIN** said the information the government had on this subject was not sufficient to enable them to decide. An engineer would be sent during the summer to visit and report upon this and other proposed works.

\* \* \*

#### THE MANITOBA MURDERS

**Mr. DELORME (Saint-Hyacinthe)** asked if it were the intention of the Government to grant to the family of the late Elzear Goulet a compensation similar to that which the Government proposes to grant the family of the late Thomas Scott.

**Hon. Sir JOHN A. MACDONALD** said that no representation had been made on behalf of the family of Goulet from any quarter whatever.

\* \* \*

#### ENCOURAGEMENT OF INDUSTRIES

**Mr. DELORME (Saint-Hyacinthe)** enquired whether it was the intention of the Government to encourage industrial arts in Canada, by granting a bonus in proportion to the capital employed in the manufacture of hemp, flax, cotton and wool.

**Hon. Sir JOHN A. MACDONALD** said there was no such intention.

#### CANAL

**Mr. JONES (Halifax)** enquired whether the Government had received any report of surveys from the Government Engineers in Halifax, on the Porter's Lake Canal, and whether they intended making any appropriation for the commencement of the work.

**Hon. Mr. LANGEVIN** said the information in possession of the Government previous to the last report showed that a small sum of money might be sufficient to attain the object, but the report lately received from the engineers showed that the cost of the work would amount to a large sum, probably \$48,000. That report was dated in October last. Under the circumstances the Government were not prepared to submit the matter now for the consideration of Parliament; but required more information in order to determine whether the object the hon. gentleman had in view might be obtained at less cost.

\* \* \*

#### THE WASHINGTON TREATY

**Mr. ROBITAILLE** asked whether the Government were prepared to give this House the pledge that, in case the present legislation on the Washington Treaty passed, it would not go into operation while the Alabama claims were unsettled. 2nd. Whether the Government would continue the same protection to our fisheries until the Alabama claims were settled. 3rd. Whether the Government was prepared to give a pledge that the money compensation which may be obtained in virtue of the fishery clause of the Washington Treaty would be expended for the direct benefits and improvement of our sea fisheries.

**Hon. Sir JOHN A. MACDONALD** replied, with reference to the first question, that the bill provided that it would not go into operation until an Order in Council was passed authorizing that a proclamation be issued based on that Order in Council, but the Government could give no pledge in the matter. As to the second question, the Government would provide efficient protection to the fisheries until they were opened to the Americans by law; and as to the third question, that such money would be subject to the vote and pleasure of Parliament, and the Government could give no pledge as to its disposal.

**Hon. Mr. SMITH (Westmorland)** asked whether any arrangements had been made between the Government of Her Britannic Majesty and the Government of the Dominion as to the disposition of the amount of compensation to be awarded under the 22nd article of the Treaty of Washington.

**Hon. Sir JOHN A. MACDONALD** answered that no such arrangement had been made. The money would belong to Canada, and be subject to the vote of Parliament.

May 17, 1872

**Hon. Mr. SMITH (Westmorland)** asked whether it was intended that the Commission appointed under articles 22nd and 23rd of the Treaty of Washington, to determine the question of the amount of compensation to be paid, shall be confined to the term of years mentioned in Article 33 of the said Treaty.

**Hon. Sir JOHN A. MACDONALD** replied that it would, of course, be limited to the time named in the Treaty, 12 years.

\* \* \*

#### BAIE VERTE CANAL

**Mr. BURPEE** asked whether it was the intention of the Government to proceed with the import Ant work of the Baie Verte Canal during the present season.

**Hon. Mr. LANGEVIN** replied that the Government were showing their disposition to go on with the work by putting a large sum of money in the estimates for that purpose.

\* \* \*

#### MANITOBA HALF-BREEDS

**Mr. SCHULTZ** asked whether any enumeration of the half-breed population of Manitoba had been made, and if so under what authority and for what purpose; and whether the division of the 1,400,000 acres of half-breed grant would be based on such enumeration.

**Hon. Sir JOHN A. MACDONALD** replied that an enumeration had been made under the authority of regulations established under the Manitoba Act; and the division of land would be based on such census.

\* \* \*

#### CENSUS OF MANITOBA

**Mr. SCHULTZ** asked whether or not the decennial census lately taken in the other Provinces of the Dominion of Canada had been taken in the Province of Manitoba; if not why not; and when such census in said Province was to be taken.

**Hon. Sir JOHN A. MACDONALD** replied that the Manitoba Act provided that the Province should have a certain representation, which should not be altered until the census of 1881. The Government had no intention of taking another census before that time.

\* \* \*

#### COURT OF EQUITY, NOVA SCOTIA

**Mr. SAVARY** asked whether it was true that an extended leave of absence had been granted by the Government to the Venerable Judge in Equity of the Province of Nova Scotia, and if so, what

provision had the Government made, or proposed to make, for the discharge, during such absence, of the engrossing and important duties devolving on that Judge?

**Hon. Sir JOHN A. MACDONALD** replied that no application had been made to the Government, and therefore no leave of absence had been granted.

\* \* \*

#### REMUNERATION OF REVISORS

**Mr. SAVARY** asked whether it was the intention of the Government to remunerate the revisers of the electoral lists in the Province of Nova Scotia for making out lists of persons qualified to vote for the election of members to serve in this Parliament, under the provisions of section 4, of chapter 20, of the acts of 1871, the sessions in some counties having unjustly refused to pay them for their services.

**Hon. Sir JOHN A. MACDONALD** replied that no application has been made to the Government for any such sum of money. Whenever a representation was made to the effect, it would receive immediate attention.

\* \* \*

#### JUDGES IN QUEBEC

**Mr. FOURNIER** moved for correspondence in relation to the necessity of appointing a resident judge for each judicial district in the Province of Quebec. In moving the resolution he spoke of the necessity for increasing the number of judges in the Province of Quebec; pointing out that, as compared with the population of the other Provinces, it had a smaller number of judges of superior courts. He also referred to the inconveniences that had arisen because of the judges not residing in the districts where they administer justice.

**Hon. Sir GEORGE-É. CARTIER** did not believe there was any such correspondence, but if there were he would have no objection to submitting it.

**Hon. Mr. CHAUVEAU** said there had been no such correspondence between the Quebec and the Dominion Governments. But the former had made representations to the latter on the subject.

**Hon. Mr. DORION** in connection with this motion, called attention to the great anomaly in our constitution, that while the Local legislation controlled the organization of Courts, they had not power to appoint Judges; and thought that the Constitution should be amended in this respect. As to the matter more immediately alluded to in the motion, great injustice had been done in consequence of prothonotaries issuing injunctions during the absence of Judges. The result was bad judgment, in many cases frequent appeals to the Privy Council. Between the year 1869 and 1872 there were only two appeals to the Privy Council from New



Brunswick, one from the Nova Scotia, and two from Ontario, but from Quebec there were no less than twenty-one, and out of that number only six judgments had been rendered. He thought that the necessity for those appeals arose from the fact of non-professional men being allowed to act in the absence of judges. He thought, in view of the great delay and expense caused by appeals to the Privy Council, that a final Court of Appeal should be established in the Dominion.

**Hon. Sir GEORGE-É. CARTIER** said the appointment of judges was a matter within the jurisdiction of the Central Government; and the Local legislature, by altering the constitution of the Courts over which they presided, had so legislated as to render the additional appointments necessary. It was not necessarily the case that prothonotaries discharged the duties of a judge in his absence. It was only in matters of urgency that they acted, and then only to do purely ministerial duties. There had not been so many abuses as the hon. gentleman would like the House to believe. The hon. gentleman had mentioned Iberville and Saint-Hyacinthe particularly. The judge who presided over those districts was Judge Sicotte, who had been appointed by the hon. gentlemen opposite. Of all men on the bench he was the most assiduous in the performance of his duty, and against whose decisions there were fewer appeals than against the judgment of any other judge in the Province.

**Hon. Mr. DORION** said he had not complained of Judge Sicotte.

**Hon. Sir GEORGE-É. CARTIER** was aware of that, but the hon. gentleman had complained of the prothonotaries. Well, with regard to that point, if there was an abuse it was a matter that concerned not the Dominion but the local Government. When he (Hon. Sir George-É. Cartier) was at the head of the Law Department of that Province he had taken care to lessen the chance of abuses as much as possible, by appointing only competent professional men to the position. He claimed that, as compared with Ontario, the administration of justice in Quebec was much more economical and prompt.

It was not surprising that there should be a larger number of appeals to England, when the fact was taken into account that, in the Superior Courts of Ontario all issues of fact were tried by a jury, while in Quebec the judge decided upon matters of fact as well as of law. In nine-tenths of the cases that came before the courts, no legal practitioner would think of demanding a trial by jury unless he had a very bad case indeed. The forms of law and the character of the judges were such that jury trials were extremely rare in civil suits, and during the year there were not fifty cases, perhaps, where there was an appeal to a jury, which was indispensable in every Superior Court in Ontario.

The consequence was that in the latter Province judges were often called upon to set aside the verdicts of juries, on the ground that they were opposed to the evidence; while in Quebec, if there was an appeal from decisions of the Superior Court, it had to be

carried to England. He was in favour of reducing the time within which appeals could be taken to England from fifteen months to three months, which, with the superior facilities for communication in these days, ought to be sufficient to prepare the papers and transmit them to England. As for the administration of the courts in reference to which complaints had been made, it was a matter to be dealt with by the local and not by the federal Government.

**Hon. Mr. IRVINE** said there was a matter connected with this subject which was of importance and had not been fully explained. It was admitted on all hands, as regarded the Province of Quebec, that there was a necessity for a greater number of judges. (*Hear, hear.*) At the last session of the Quebec Legislature a bill had passed a second reading unanimously in the House to increase the judiciary, and it had not become law, only because it was felt that it would not be proper to make provision of that kind until there was some assurance that the salaries would be voted by this Parliament, and the appointments made by the Dominion Government. The Constitution provided that the Local Legislature should be responsible for the administration of justice, and it had the power of constituting the courts; but this Parliament had alone the power to vote money for the payment of the judges, and the Dominion Government the power to appoint them. If there was a necessity for an increased number of judges, that necessity could only be met by action on the part of this House and this Government, and therefore it had been felt at Quebec that, to legislate in the matter in the absence of action at Ottawa would be useless. He could not see how, under these circumstances, the local legislature could be held responsible, as some hon. gentlemen had stated.

With regard to the number of judges, he did not think it could reasonably be asked that one should be appointed for each district, several of which could very well be served by one Judge. He admitted the inconvenience that resulted from transferring the duties of the judges to clerks of the courts, and thought the system should be done away with. It would be a satisfactory solution of the question, if, knowing that reform was wanted, they knew also where to begin. It was generally understood in Quebec that the initiative did not rest with them, while the understanding at Ottawa seemed to be that the initiative did not rest with the Dominion Government. It did not matter much where they began; but it was of importance that a beginning should be made somewhere. (*Hear, hear.*) He did not approve of the proposition to abolish the right of appeal to the Privy Council in England. The argument that the right was exercised in a great many cases was no argument against its abolition, although it might be an argument for establishing a Supreme Court of Appeal for the Dominion.

**Mr. GODIN** in French, gave testimony to the absolute necessity of providing more judges for the Province of Quebec. In the county which he represented, the annoyance that resulted from not having a resident judge extended to all classes of the community. (*Hear, hear.*) The result was that justice was, in effect, denied, and cases of tenants and smaller traders' disputes, that could be settled in a few days, were allowed to remain over for months, accumulating expense upon the litigants. An objection had been made that the

May 17, 1872

people of Lower Canada could not expect to have a judge in every district; but he could not see why one district should have a judge and another have none, as was the case under the present system. (*Hear, hear.*) He found that the salary, travelling expenses, and other expenditures of the judge in the counties of Richelieu and Joliette amounted to £1,600 sterling a year. Now the salary of the judge was £800 sterling a year, and he could not see why the other £800 sterling used up in expenses could not be devoted to the payment of another judge. (*Hear, hear.*) In his opinion the Local Legislature should take the initiative in cases of this kind. (*Hear, hear.*)

**Hon. Sir JOHN A. MACDONALD** said that he saw no difficulty in the matter. The constitution pointed out the duty of the Provincial Legislature respecting the Administration of Justice, which fell upon the Local Government. If there was a defect it was their duty to correct it by Legislation. The moment they did that they did all they could do; it then became the duty of the Legislature of the Dominion to fix the salaries, and of the Dominion Government to appoint the Judges. The duty of the Dominion Legislature could not begin until the duty of the Provincial Legislature was discharged. (*Hear, hear.*) In the Province of Quebec last session an Act had been passed providing for additional Judges, and that having been done, it would be the duty of the Dominion Government to ask Parliament at the earliest moment to grant a sum of money to the salaries of those Judges. In the last session of the Manitoba Legislature an Act had been passed to appoint three Judges for that province, and this Parliament, in pursuance of its duty, would be asked to make provision for their salaries.

It was so completely within the jurisdiction of the Provincial Legislators to settle what number of Judges were required in their respective Provinces, that, although there might be a difference of opinion on the part of the House and Parliament, the Constitution so clearly placed the responsibility of administering justice upon the Provincial Legislatures that, if they solemnly declare that a certain number of Judges were required, this House, he thought, had no constitutional right to cavil, and it would become its duty to provide a sufficient salary, and it was only in the case of a Provincial legislature acting willfully and wrongfully in fixing an excessive number of judges, that it would be required of the Legislature to interfere.

With respect to the Court of Appeal, the House was aware that, at an early stage after the Union, he had brought down a bill for the purpose of establishing a Supreme Court. He had found, however, that there was no great demand for the measure in the various Provinces, while in certain quarters there was rather a prejudice against it. It was more particularly with reference to the Province of Quebec that the difficulty had arisen. If all the Provinces had a similar system of jurisprudence there would have been no difficulty; but that was not the case, for the system in Quebec was based on different principles of law altogether from the system in the other provinces. The danger was that under those circumstances an appeal might be carried from a more competent to a less

competent Court, and it might happen that there would be an appeal from the decisions of gentlemen thoroughly skilled in the Roman law, upon which the code of Quebec was based, to a tribunal, the majority of whom had been educated and trained in the practice of common law. That was the practical difficulty that had confronted him upon this subject, and he did not yet quite see his way to a solution of it. However, that there would be a Court of Appeal for the Dominion he regarded as a matter of certainty. As for abolishing the appeal to the Privy Council, that could not be done so long as we remain a dependency of England.

**Hon. Mr. DORION** said there would be no difficulty in establishing a Supreme Court as stated by the Minister of Justice (Hon. Sir John A. Macdonald), because there would sit on the bench of that Court judges from the Province of Quebec, who would be acquainted with Roman law. As for the appeal to England he had felt it to be a grievance that in so many cases Senators should be dragged to a distant tribunal where no greater justice was to be obtained than in our own country.

**Hon. Mr. CHAUVEAU** thought, after what the Premier had said, there would be no difficulty in obtaining an increased number of judges in the Province of Quebec.

**Hon. Mr. BLAKE** did not agree with the Minister of Justice that there was no anomaly. If the Local Governments were to determine the number of Judges and the Dominion had to pay them, it could be well understood that the number would be on the most liberal scale, because those who made the judges would not be called upon to pay them. There was another difficulty as to the payments. A bill had been passed by the Legislature of Ontario for the payment of judges of the Superior Courts of Ontario, but that bill had been disallowed. He then gave the history of the bill, and the course pursued by the Minister of Finance in the matter.

**Mr. HARRISON** thought the power of creating judges and the power to pay them should be vested in the Ontario Government. In his opinion the Local legislatures should have nothing whatever to do with the creation of the courts. He referred to a case in Ottawa in which a Clerk of the Court was acting as and performing the duties of a Judge under authority of the Local Government. He did not think the judges of Ontario were paid sufficiently to induce men to go on the Bench in whom the people generally would have confidence. Although the act of the Legislature of Ontario had been disallowed the judges still received the \$1,000 for attending the Court of Appeal, which that act proposed to give them. He thought the creation of a Court of Appeal to reduce the number of cases of appeal to the Privy Council would be found necessary very soon.

**Hon. Sir JOHN A. MACDONALD** said that with regard to the disallowance of the Act passed by the province of Ontario to which the member for Durham West (Hon. Mr. Blake) had referred, the opinion of his hon. friend and himself (Hon. Sir John A. Macdonald) were not very different on that subject, but the member for Durham West had expressed opinions as to the course taken by himself (Hon. Sir John A. Macdonald) in considering what acts of



the Provincial Legislature ought to be allowed to take their course. It was of the greatest importance for the well working of the constitution that the Provincial Legislature and governments should feel that there was no undue interference in the limit of their powers. It was sometimes difficult to decide whether a particular measure should be dealt with by the Dominion or Provincial authorities, and in any case when he had doubt his course had been to give the Provincial Legislatures the benefit of the doubt, leaving it to the Courts to settle the question.

**Hon. Mr. BLAKE:** No court could settle this question.

**Hon. Sir JOHN A. MACDONALD** said he knew that; but that was the general rule he had adopted. In reference to the disallowance of the Ontario Act as to the payment of judges, he had communicated with Law officers of the Crown in England, who had agreed with him as to the unconstitutionality of the Act. The Ontario Legislature, with what he would call in a private individual a pertinacity, had constituted the judges Commissioners under their own Devisee Act, so as to give them the increased salaries. He had grave doubts whether this was not an evasion of the law; whether it was not unconstitutional. He would here inform members of the Ontario Government, if any of them were present, that if such an Act were passed again, he would advise its disallowance.

**Hon. Mr. BLAKE** pointed out the payment of increased salaries in the Courts of Error and Appeal, to which the Minister of Justice had appointments. (*Hear, hear.*) The real reason, perhaps, why Hon. Sir John A. Macdonald had not disallowed the last Act was that he had to yield to an obstinate friend. (*Hear, hear, and laughter.*)

The motion passed.

It now being 6 o'clock the House rose for recess.

## AFTER RECESS

\* \* \*

### BANK OF HAMILTON

**Mr. MAGILL** moved the House into committee on the Bill to incorporate the Bank of Hamilton. The bill was passed through committee.

\* \* \*

### HALIFAX BANK

**Hon. Mr. MACKENZIE**, in the absence of Mr. Jones (Halifax), moved the House into committee on the Act to incorporate the Halifax Banking Company. The bill was passed through committee, read a third time, and passed.

### EXCHANGE BANK

**Mr. WORKMAN** moved the House into committee on the Act to incorporate the Exchange Bank of Canada. The bill was passed through committee, was read a third time and passed.

\* \* \*

### WIDOWS' AND ORPHANS' FUND

**Hon. Mr. MORRIS** seconded by **Hon. Mr. MACKENZIE** moved the House into committee to amend an Act to incorporate the managers of the Ministers' Widows' and Orphans' Fund of the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland. The bill was passed through committee, was read a third time and passed.

\* \* \*

### THE MAIL PRINTING COMPANY

**Hon. Mr. CAMERON (Peel)** moved the second reading of the Act to incorporate The Mail Printing and Publishing Company, Limited.—Carried. The bill was then passed through the committee, was read a third time and passed.

\* \* \*

### NATURALIZATION

**Mr. HARRISON** moved the second reading of the Act to Naturalize Anson Green Phelps Dodge.—Carried.

**Mr. MILLS** disapproved the bill, and thought a clear case ought to be made out.

**Mr. HARRISON** explained that the gentleman in question had not been a subject in Canada a sufficient time to obtain naturalization under the general laws.

\* \* \*

### CAUGHNAWAGA SHIP CANAL

**Mr. SHANLY** moved second reading of the Bill to amend the Act of Incorporation of the Caughnawaga Ship Canal Company.—Carried.

The Bill passed through Committee, was read a third time and passed.

May 17, 1872

### DETROIT RIVER TUNNEL

**Hon. Mr. CAMERON (Peel)** moved the second reading of the Act to amend the Act to Incorporate the Detroit River Tunnel Company—Carried. The Bill was afterwards passed through Committee, was read a third time and passed.

\* \* \*

### RAILWAY EQUIPMENT COMPANY

**Hon. Mr. CAMERON (Peel)** moved second reading of the Bill to Incorporate the Canadian Railway Equipment Company.—Carried.

The Bill was passed through Committee, was read a third time and passed.

\* \* \*

### FRONTIER RAILWAY

**Mr. SCRIVER** moved the second reading of the Act to incorporate the Quebec Frontier Railway Company.—Carried.

The Bill was passed through Committee, and was read a third time and passed.

\* \* \*

### RAILWAY BILL

**Mr. HARRISON** moved the second reading of the act respecting the Grand Trunk and the Montreal and Champlain Railway Companies.—Carried.

The bill was afterwards passed through Committee, read a third time and passed.

\* \* \*

### BANK OF CANADA

The act to incorporate the Bank of Canada was read a second time, passed through Committee, and was read a third time, being entitled “An Act to incorporate the St. Lawrence Bank.”

\* \* \*

### THUNDER BAY TELEGRAPH COMPANY

The bill to incorporate the Thunder Bay Silver Mines Telegraph Company, was read a second time, passed through Committee, was read a third time and passed.

### GREAT WESTERN RAILWAY

The act to enable the Great Western Railway to extend and improve its connections was read a second time, passed through Committee, was read a third time, and passed.

\* \* \*

### THE DOMINION RAILWAY

The act to legalize an agreement between the Grand Trunk Railway and the town of Galt was read a second time, passed through Committee, was read a third time, and passed.

\* \* \*

### SEALING AND FISHING COMPANY

The act to incorporate the Canada and Newfoundland Sealing and Fishing Company was read a second time, and passed through Committee.

\* \* \*

### DOMINION WATER WORKS

The act to incorporate the Dominion Water Works Company was read a second time.

\* \* \*

### NORTHERN RAILWAY

The Act to legalize and confirm the lease to the Northern Railway Company of Canada of the lines of railway of the Northern Extension Railway Company, was read a second time, passed through Committee, and was read a third time.

\* \* \*

### INSOLVENCY LAW

**Mr. COLBY** moved the third reading of the Bill to repeal the Insolvency Law.

**Mr. HARRISON** raised a point of order, that the Bill ought to originate in Committee of the Whole.

**Hon. Sir A.T. GALT** maintained that the objection was not good, as the rule requiring bills to originate in Committee of the Whole did not apply to the repeal of bills.



**Hon. Mr. DORION** thought the Bill in order.

**Mr. LANGLOIS** said the Bill, having been passed hitherto, should not be objected to at this stage.

**Hon. Mr. MACKENZIE** said the objection was not good. The bill did not affect trade.

**Hon. Sir JOHN A. MACDONALD** also considered the bill in order.

**Mr. HARRISON** maintained the objection.

**The SPEAKER** ruled, as follows:—

I must decide against the objection. The object of a Committee in general, is to require the second thought of The House in imposing burdens; and that object is certainly not required here, when the Bill is to repeal. Apart from that, I cannot agree with the Honorable Gentleman in holding that this Bill relates to Trade. It may certainly apply directly to traders as individuals, but it does not propose to regulate Trade as a subject matter.

And the Question being again proposed, That the Bill be now read the third time; **Mr. JONES (Halifax)** moved, in amendment, seconded by the **Hon. Mr. GRAY**,

That all the words after 'be' to the end of the Question be left out, and the words re-committed to a Committee of the whole House, with instructions to amend the same by providing that the Bill shall not apply to Nova Scotia or New Brunswick," inserted instead thereof.

**Hon. Mr. GRAY** seconded the amendment, saying if Ontario and Quebec wanted the bill he hoped they would not force it on Nova Scotia and New Brunswick. Cases had arisen where, in the interests of justice, the insolvency laws required amendments; but the Local Government had no power. Nova Scotia and New Brunswick did not desire the repeal, and he asked that it might not be forced on them.

**Hon. Sir GEORGE-É. CARTIER** thought the amendment fair, just and equitable. There was no doubt that Ontario and Quebec desired the repeal. His own opinion was that the repeal should not be forced this session, so that proper legislation might be prepared for next session. A majority of the House, however, desired the repeal, but Nova Scotia and New Brunswick had no power to deal with insolvency, and they would be almost a year without any laws on the subject, and he appealed to the members for Quebec to consider how unjust that would be to the Lower Provinces, who were almost unanimously in favour of retaining the law.

**Mr. GIBBS** moved, in amendment to the said proposed amendment, seconded by **Mr. MERRITT**,

That the words 're-committed to a committee of the whole House, with instructions to amend the same by providing that the Bill shall not apply to Nova Scotia or New Brunswick' be left out, and the words 'read the third time this day six months,' inserted instead thereof.

**Mr. HARRISON** supported the amendment.

**Hon. Mr. BLAKE** would support the amendment, and failing in that would support that of the member for Halifax (Mr. Jones) because the repeal of the laws would not give a uniformity, and he thought Nova Scotia and New Brunswick ought to have what they desired.

**Mr. MACDONALD (Glengarry)** said he would expect the members for Nova Scotia and New Brunswick to oppose the amendment of the member for Ontario on the understanding that the House was ready to give them what they asked, and therefore they ought not to oppose what was desired by the other Provinces.

**Hon. Mr. WOOD** said if there was any injustice on the subject in the Lower Provinces, it was their own Legislation, and they themselves had power to remedy the evil.

**Hon. Mr. GRAY** said New Brunswick had no such power.

**Hon. Mr. WOOD** repeated that they had such power, and therefore the law should be repealed.

**Mr. MASSON (Soulanges)** supported the repeal of the law which acted most injuriously.

**Hon. Mr. CHAUVEAU** and **Mr. BARTHE** also spoke on the question.

**Mr. HOUGHTON** asked whether the repeal would affect British Columbia.

**Hon. Sir JOHN A. MACDONALD** said that the Insolvency Law did not exist in British Columbia, and therefore that Province would not be affected.

**Mr. BELLEROSE** would rather that the bill should be delayed until the bill of the member for Toronto West (Mr. Harrison) could be considered.

**Hon. Mr. MACKENZIE** said that a few nights ago the Minister of Justice (Hon. Sir John A. Macdonald) stated that an amendment to an amendment was unparliamentary, and he hoped he would induce his friends who were seeking to kill the bill to withdraw their opposition.

**Hon. Sir JOHN A. MACDONALD** said that what he had referred to was that one of the leaders of the Opposition should move a vote of want of confidence in the Government and then seek to void it by getting a friend to move an amendment.

May 17, 1872

**Mr. ROSS (Prince Edward)** said it was his experience that there were more frauds and dishonesty committed under it than under any other law on the Statute book, and the sooner it was wiped off the better. He said that the greatest pressure came from the cities of Montreal, Toronto, Halifax, and St. John, and from members of the Boards of Trade for those cities; and, if they were to legislate for four cities, the sooner they knew it the better. He blamed the merchants of those cities for the loose manner in which they conducted their business by selling their goods to parties not responsible, and these men took advantage of the bankrupt law. The hon. member for Montreal (Mr. Workman) did all he could to defeat the repeal of the Insolvency Act, but he hoped that the hon. members of this House would show by their votes that they would not be controlled by those cities.

**Hon. Mr. TUPPER** contended that Nova Scotia, having accepted the Insolvency Law, which they objected to at one time, had a claim on the Dominion not to unnecessarily disturb it just as it was beginning to work well. The remainder of the hon. gentleman's remarks was lost amid the general uproar in the House and cries of "question;" but he was understood to appeal to the Quebec members to aid Nova Scotia in maintaining the present law.

**Hon. Mr. POPE** rose to address the House in opposition to Hon. Mr. Tupper.

**Hon. Mr. CHAUVEAU:** There is a division in the camp. (*Laughter.*)

**Hon. Mr. POPE** went on to argue in favour of the Insolvency Bill now before the House. Pointing his finger at Hon. Mr. Tupper, and keeping it within three inches of his face, Hon. Mr. Pope, amidst uproar and laughter, called upon the members from the Maritime Provinces to support Quebec. (*Great uproar.*)

**Mr. WORKMAN** rose to address the House amid a scene of indescribable confusion. He leaped upon his chair to speak, and the action was the signal for a tempest of noises, cat-calls and howlings. He was obliged to resume his seat without having succeeded in delivering his remarks.

**Hon. Mr. McDOUGALL (Lanark North)** also essayed to speak, but the uproar arose. He however persevered, and when silence was restored repudiated the view that there should be any distinction in the treatment of the different Provinces.

**Hon. Sir JOHN A. MACDONALD** said he rose to support the view of the President of the Privy Council (Hon. Mr. Tupper) in his statement that it was perfectly open to the House to deal with the subject in one way with reference to Ontario and Quebec, and in another way with reference to the Maritime Provinces. That was a principle well recognized in the Empire, where they had a common Legislature for England, Ireland, and Scotland, but appreciating the different requirements of the countries, had, on various subjects, and on this very question of bankruptcy among the number,

different laws in force. He had been unable to be present on the second reading of the bill, but had he been so he would have supported the continuation of the present system for another year, so that a new Parliament might deal with the subject, when it would be forced upon them by the expiration of the temporary act. He should vote for the amendment of the member for Ontario South (Mr. Gibbs), and failing that, of the member for Halifax (Mr. Jones).

**Hon. Mr. MACKENZIE** was very glad the hon. gentleman had at last come to that conclusion, for when the Government usury measure was under discussion two years ago he (Hon. Mr. Mackenzie) had moved to except Ontario from the operation of the act, and the hon. gentleman had then insisted strenuously that such legislation was altogether improper. He (Hon. Mr. Mackenzie) had intended to vote for the amendment of his hon. friend from Halifax (Mr. Jones), but he was not sure now that he would because, while he was glad that the Minister of Justice admitted the principle he (Hon. Mr. Mackenzie) had contended for ten years, he recognized in the admission an absolute want of principle. (*Laughter and cheers.*)

The members were then called in, and the House divided upon **Mr. GIBB'S** amendment, which was lost on the following division:—Yeas, 72; Nays, 80.

(*Division No. 8*)

#### YEAS

##### Members

Anglin	Blake
Bolton	Bowell
Bown	Burpee
Cameron (Inverness)	Cameron (Peel)
Campbell	Carling
Carmichael	Cartier (Sir George-É.)
Chauveau	Chipman
Cimon	Coffin
Connell	Cumberland
De Cosmos	Dobbie
Ferris	Gaudet
Geoffrion	Gibbs
Gray	Harrison
Hincks (Sir Francis)	Holton
Irvine	Jones (Halifax)
Jones (Leeds North and Grenville North)	Kempt
Killam	Lacerte
Langevin	Lawson
Macdonald (Sir John A.)	McDonald (Lunenburg)
McDonald (Middlesex West)	McMillan
McMonies	Masson (Terrebonne)
Merritt	Metcalfe
Moffatt	Morris
Nathan	Nelson
Pearson	Perry
Pickard	Ross (Champlain)
Ross (Victoria, N. S.)	Ryan (King's, N. B.)
Ryan (Montreal West)	Savary
Schultz	Scriver
Shanly	Smith (Selkirk)
Smith (Westmorland)	Stephenson
Street	Tilley
Tourangeau	Tupper



Wallace (Albert)  
Walsh  
Workman

Wallace (Vancouver Island)  
Willson  
Young—72

## NAYS

## Members

Archambault  
Barthe  
Béchar  
Bertrand  
Bourassa  
Cameron (Huron South)  
Cayley  
Colby  
Crawford (Brockville)  
Delorme (Saint-Hyacinthe)  
Drew  
Fortier  
Fournier  
Gaucher  
Grant  
Hagar  
Hurdon  
Keeler  
Langlois  
Little  
Mackenzie  
Masson (Soulanges)  
McConkey  
McDougall (Renfrew South)  
Mills  
Morrison (Niagara)  
Pâquet  
Pinsonneault  
Pouliot  
Redford  
Ross (Dundas)  
Ross (Wellington Centre)  
Scatcherd  
Sproat  
Sylvain  
Thompson (Ontario North)  
Webb  
White (Halter)  
Whitehead  
Wright (Ottawa County)

Baker  
Beaubien  
Bellerose  
Bodwell  
Brousseau  
Caron  
Cheval  
Coupal  
Delorme (Provencher)  
Dorion  
Ferguson  
Fortin  
Galt (Sir A.T.)  
Godin  
Grover  
Heath  
Jackson  
Kirkpatrick  
Lapum  
Macdonald (Glengarry)  
Magill  
McCallum  
McDougall (Lanark North)  
McDougall (Trois-Rivières)  
Morison (Victoria North)  
Oliver  
Pelletier  
Pope  
Pozer  
Renaud  
Ross (Prince Edward)  
Rymal  
Simard  
Stirton  
Thompson (Haldimand)  
Tremblay  
Wells  
White (Hastings East)  
Wood  
Wright (York West)—80

So it passed in the Negative.

**Mr. BELLEROSE** would like to do justice to the lower Province, but thought there ought to be a uniform law for the Dominion.

And the Question on the amendment being again proposed;

**Mr. BELLEROSE** moved, in amendment thereto, seconded by **Mr. MASSON (Terrebonne)**,

That the words 're-committed to a Committee of the whole House with instructions to amend the same by providing that the Bill shall not apply to Nova Scotia or New Brunswick' be left out, and the words 'read the third time on the 31st instant' inserted instead thereof.

**Hon. Mr. MACKENZIE** said the motion would effectually kill the bill, and he appealed to those who desired to see the insolvency law repealed to vote down the amendment.

**Mr. SAVARY** was understood to maintain the claims of Nova Scotia and New Brunswick, but could not be heard in consequence of the disturbance.

The House divided on **Mr. BELLEROSE'S** amendment, which was lost on the following division: —Yeas, 73; Nays, 76.

*(Division No. 9)*

## YEAS

## Members

Anglin  
Bellerose  
Bolton  
Bown  
Cameron (Inverness)  
Campbell  
Carmichael  
Chauveau  
Cimon  
Connell  
De Cosmos  
Ferris  
Gibbs  
Harrison  
Holton  
Jones (Halifax)  
Kempt  
Lacerte  
Lawson  
McDonald (Lunenburg)  
Masson (Terrebonne)  
McMonies  
Metcalf  
Morris  
Nelson  
Perry  
Ross (Champlain)  
Ryan (King's, N. B.)  
Savary  
Scriver  
Smith (Selkirk)  
Stephenson  
Tilley  
Tupper  
Wallace (Vancouver Island)  
Willson  
Young—73

Archambault  
Blake  
Bowell  
Burpee  
Cameron (Peel)  
Carling  
Cartier (Sir George-É.)  
Chipman  
Coffin  
Cumberland  
Dobbie  
Gaudet  
Gray  
Hincks (Sir Francis)  
Irvine  
Jones (Leeds North and Grenville North)  
Killam  
Langevin  
Macdonald (Sir John A)  
McDonald (Middlesex West)  
McMillan  
Merritt  
Moffatt  
Nathan  
Pearson  
Pickard  
Ross (Victoria, N. S.)  
Ryan (Montreal West)  
Schultz  
Shanly  
Smith (Westmorland)  
Street  
Tourangeau  
Wallace (Albert)  
Walsh  
Workman

## NAYS

## Members

Baker  
Beaubien  
Bertrand  
Bourassa  
Cameron (Huron South)  
Cayley  
Colby  
Delorme (Provencher)  
Drew

Barthe  
Béchar  
Bodwell  
Brousseau  
Caron  
Cheval  
Coupal  
Delorme (Saint-Hyacinthe)  
Ferguson

May 17, 1872

Fortier  
Fournier  
Gaucher  
Grover  
Heath  
Jackson  
Kirkpatrick  
Lapum  
Macdonald (Glengarry)  
Mackenzie  
Masson (Soulanges)  
McConkey  
McDougall (Renfrew South)  
Mills  
Morrison (Niagara)  
Pâquet  
Pinsonneault  
Pouliot  
Redford  
Ross (Dundas)  
Ross (Wellington Centre)  
Scatcherd  
Sproat  
Sylvain  
Thompson (Ontario North)  
Webb  
White (Halton)  
Whitehead  
Wright (Ottawa County)

Fortin  
Galt (Sir A.T.)  
Godin  
Hagar  
Hurdon  
Keeler  
Langlois  
Little  
MacFarlane  
Magill  
McCallum  
McDougall (Lanark North)  
McDougall (Trois-Rivières)  
Morison (Victoria North)  
Oliver  
Pelletier  
Pope  
Pozer  
Renaud  
Ross (Prince Edward)  
Rymal  
Simard  
Stirton  
Thompson (Haldimand)  
Tremblay  
Wells  
White (Hastings East)  
Wood  
Wright (York West)—76

Jones (Leeds North and Grenville North)  
Kirkpatrick  
Langevin  
Macdonald (Sir John A.)  
McDonald (Middlesex West)  
McMillan  
Moffatt  
Morrison (Niagara)  
Nelson  
Perry  
Pinsonneault  
Ross (Champlain)  
Ryan (King's, N. B.)  
Savary  
Shanly  
Stephenson  
Tilley  
Tupper  
Wallace (Vancouver Island)  
Willson

Killam  
Lacerte  
Lawson  
McDonald (Lunenburg)  
Masson (Terrebonne)  
Merritt  
Morris  
Nathan  
Pearson  
Pickard  
Renaud  
Ross (Victoria, N. S.)  
Ryan (Montreal West)  
Schultz  
Smith (Selkirk)  
Street  
Tourangeau  
Wallace (Albert)  
Walsh  
Workman—72

So it passed in the Negative.

**Mr. RYMAL** would have been glad to have voted for the motion of the member for Halifax (Mr. Jones), but when a six months' hoist was proposed every man from the Maritime Provinces supported it, and so desired to frustrate the desires of Quebec and Ontario, and he should therefore oppose them.

The House divided on **Mr. JONES' (Halifax)** amendment, which was lost on the following division: —Yeas, 72; Nays, 82.

(Division No. 10)

## YEAS

### Members

Anglin	Archambault
Blake	Blanchet
Bolton	Bowell
Bown	Burpee
Cameron (Inverness)	Cameron (Peel)
Campbell	Carling
Carmichael	Cartier (Sir George-É.)
Chauveau	Chipman
Cimon	Coffin
Connell	Cumberland
De Cosmos	Dobbie
Ferris	Fortin
Gaudet	Gibs
Gray	Harrison
Hincks (Sir Francis)	Holton
Irvine	Jones (Halifax)

Baker  
Beaubien  
Bellerose  
Bodwell  
Brousseau  
Caron  
Cheval  
Coupal  
Delorme (Saint-Hyacinthe)  
Drew  
Fortier  
Galt (Sir A.T.)  
Geoffrion  
Grant  
Hagar  
Hurdon  
Keeler  
Langlois  
Little  
MacFarlane  
Magill  
McCallum  
McDougall (Lanark North)  
McDougall (Trois-Rivières)  
Metcalf  
Morison (Victoria North)  
Pâquet  
Pope  
Pozer  
Ross (Dundas)  
Ross (Wellington Centre)  
Scatcherd  
Simard  
Snider  
Stirton  
Thompson (Haldimand)  
Tremblay  
Wells  
White (Hastings East)  
Wood  
Wright (York West)

## NAYS

### Members

Barthe  
Bécharde  
Bertrand  
Bourassa  
Cameron (Huron South)  
Cayley  
Colby  
Delorme (Provencher)  
Dorion  
Ferguson  
Fournier  
Gaucher  
Godin  
Grover  
Heath  
Jackson  
Kempt  
Lapum  
Macdonald (Glengarry)  
Mackenzie  
Masson (Soulanges)  
McConkey  
McDougall (Renfrew South)  
McMonies  
Mills  
Oliver  
Pelletier  
Pouliot  
Redford  
Ross (Prince Edward)  
Rymal  
Scriver  
Smith (Westmorland)  
Sproat  
Sylvain  
Thompson (Ontario North)  
Webb  
White (Halton)  
Whitehead  
Wright (Ottawa County)  
Young—82

The bill was then read a third time amid loud cheers.



**INTERCOLONIAL RAILWAY GAUGE**

The second order was then taken up for the further consideration of Mr. Bodwell's motion that the House resolve itself into Committee of the Whole to consider a resolution declaring it desirable to adopt the four foot eight and a half inch gauge, in the construction of the Intercolonial Railway.

**Hon. Mr. LANGEVIN** resumed the debate saying that a change of gauge of the Intercolonial would involve also a change of the gauge of the Nova Scotia Railway at a very great expense. He read a letter from the Chief Engineer, and said that until the Grand Trunk Railway was changed it was undesirable to change the Intercolonial. The change should be made from the west to the east, and the rolling stock at present on broad gauge lines could be used upon the Intercolonial and Lower Province Railways. On these grounds he thought the House should allow the gauge fixed by law to remain. He repeated his remarks in French.

**Hon. Sir JOHN A. MACDONALD** said it was not fair to take so important a division when the House would be thin. He moved that the House adjourn.

**Hon. Mr. BLAKE** said the private business had been very much delayed, and he thought we ought to get through with this matter, and be able to take up some other business.

**Mr. SCATCHERD** said the other night, when it was two hours later than now, the Premier wished to press a division on the Treaty Bill.

It was then agreed to adjourn.

In answer to Hon. Mr. Mackenzie, **Hon. Sir JOHN A. MACDONALD** said the House would take up Government Bills to-morrow.

The House then adjourned at 11 o'clock.

May 18, 1872

## HOUSE OF COMMONS

Saturday, May 18, 1872

The **SPEAKER** took the chair at a quarter after one.

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Prayers

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## PETITIONS

Several petitions were presented and a conversation took place as to whether time had not expired for the reception of petitions for private bills.

\* \* \*

## MARQUETTE ELECTION

**Hon. Mr. CAMERON (Peel)** presented a report from the Committee on Privileges and Elections, reporting that both members in the Marquette election requested an adjournment of the case for six weeks, and that it was adjourned accordingly.

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## PROMISSORY NOTES

**Hon. Mr. CAMERON (Peel)** introduced a bill to amend the laws relating to Promissory Notes.

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## SAULT STE. MARIE RAILWAY

**Mr. MORRISON (Niagara)** moved for leave to introduce a Bill respecting the Sault Ste. Marie Railway.

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## PILOTS

**Hon. Mr. TILLEY** moved that the House go into committee on Tuesday next to consider the following resolution:

That it is expedient to repeal the Act of the Legislature of New Brunswick, 26 Vic., Cap. 36, respecting the government of pilots in the country of Charlotte, and to authorize the Governor in Council to appoint three Commissioners for the said county who shall have power to make rules and regulations for the government of pilots for the coasts and harbours of the county, to fix the rates of

pilotage, and to impose penalties, not exceeding \$40, for any breach of any such rules and regulations approved by the Governor in Council.

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## FRAUDULENT MARKS

**Hon. Sir JOHN A. MACDONALD** moved the House into committee on the bill to amend the law relating to the fraudulent marking of merchandise.

The bill was passed through committee.

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## GEOLOGICAL SURVEY

The House went into committee on the bill to make provision for the continuation and extension of the geological survey of Canada and for the maintenance of a geological museum.

The bill was passed through committee.

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## SAVINGS BANKS

**Hon. Sir FRANCIS HINCKS** moved the House into committee on the bill to amend the Government Savings Bank Act, Cap. 6 of Statutes of 1871.

The bill was passed through committee.

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## PUBLIC DEBT

**Hon. Sir FRANCIS HINCKS** moved the House into committee on the bill respecting the Public Debt and the raising of loans authorized by Parliament.

The bill was passed through committee.

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## LARCENY OF STAMPS

Amendments made by the Senate to the bill for the avoidance of doubts respecting the Larceny of Stamps was read a second time.



## CIVIL SERVICE

**Hon. Mr. TILLEY** moved the second reading of the bill respecting the Civil Service.—Carried; and the bill was passed through committee.

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## STATUTES OF CANADA

**Hon. Sir JOHN A. MACDONALD** moved second reading of the bill respecting the Statutes of Canada.—Carried, and the Bill was passed through committee.

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## PATENTS OF INVENTION

The Act respecting Patents of Invention passed the second reading.

In committee, the **Hon. Mr. POPE** explained that the only change was to dispense with the condition of a year's residence. There was another change to allow patentees to put their invention into operation within two years, the time previously allowed, one year, being found insufficient.

**Mr. MILLS** thought that existing manufactures should be considered, for under the bill a patent could be obtained which would prevent a manufacture already in operation being continued.

**Hon. Mr. POPE** said a patent could only be taken out if the invention had not been used for a year.

**Hon. Mr. MACKENZIE** urged that no patent should affect an existing manufacture, and unless the bill was changed in this respect he should at some stage move an amendment.

**Hon. Mr. POPE** said his object was to leave the bill as before as much as possible; but if the change mentioned were considered necessary he had no objection to it.

**Mr. YOUNG** urged that the change should be made, so that no American patent could interfere with a Canadian manufacture.

**Hon. Mr. WOOD** said that after the passage of the bill, patents issued in the United States and afterwards taken out in Canada should be secured if taken out in Canada within a year of the United States patent.

**Hon. Mr. POPE** said this was already provided.

After further conversation the bill passed through committee with amendments.

## MANITOBA EXPEDITION

The Act to indemnify the members of the Executive Council, and others, for the unavoidable expenditure of public money, without Parliamentary grant, occasioned by the sending of an expeditionary force to Manitoba in 1871 was read a second and third time and passed.

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## INSPECTION OF PRODUCE

The Act to amend and consolidate and to extend to the whole Dominion of Canada the laws respecting the inspection of certain staple articles of Canadian produce was read a second time and referred to the Standing Committee on Banking and Commerce.

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## IMMIGRATION

**Hon. Mr. POPE** moved the second reading of the Act to amend the Immigration Act of 1869. He said the cry from every quarter was that if we would only give assistance towards the passage money we could get any number of immigrants. His object was to assist the immigrants but the hon. member for Durham West (**Hon. Mr. Blake**) had charged him with trying to punish them. The Government of Ontario had done something and the Government of the Dominion had done something, but it was not enough.

He was sure that, through their agents, money might be safely advanced. He instanced a case of a society in Ottawa which had assisted hundreds of immigrants who willingly accepted the terms of repayment but it was felt that there should be some farther security to the Society.

**Hon. Mr. CHAUVEAU** agreed with the object of the bill, but feared that as at present worded it would interfere with the civil rights of the various Provinces.

**Hon. Sir GEORGE-É. CARTIER** explained the law relating to immigration and said it was quite correct for his hon. friend to bring down a measure asking Parliament to grant a sum of money to be placed at his disposal in order to induce immigrants to come into the country.

**Mr. FERGUSON** said the law of Ontario provides that land settled upon by immigrants becomes a homestead and cannot be affected by any legislation of the Dominion Parliament. It would therefore be deceiving those who advanced the money to tell them that the lands given to immigrants could be sold under judgment. His experience had been that with all the money immigrants could earn they did not get sufficient to keep them.

**Mr. JONES (Leeds North and Grenville North)** from past experience had very little confidence in any scheme for the

May 18, 1872

encouragement of immigration into this country. They had had immigrant agents in all parts of the world but with all that those gentlemen had done we had very little increase in population. He thought the object should be to encourage industries in our own country in order to keep the population here instead of allowing them to go to other countries as at present.

**Mr. JACKSON** feared that the fourth section was open to abuse. It provided that the agreement made in England by the agent should be binding here. Emigrants might desire from offers of higher wages and other reasons to break the engagements made, and if they were forced to carry out those engagements as provided in the Act it might cause great irritation and might drive the emigrant from the country.

**Hon. Mr. BLAKE** concurred in the remarks of the hon. member for Grey South (Mr. Jackson). He thought that the provision by which the wages of the immigrant should be attached for the money advanced to him in his own country was a provision beyond the power of the General Legislature. It dealt with property and civil rights and although the General Parliament had power to pass laws relating to immigration, he denied that they had power to pass laws affecting the civil rights of persons coming to this country.

The Act was objectionable in several of its clauses in this respect. He thought that the provision making seduction a criminal offence a good one, but he saw no reason why seduction should be a criminal offence at sea and a civil one on shore.

**Mr. BLANCHET** thought that if immigration was to be encouraged provision should be made to facilitate and assist it. He thought the best way to prevent emigration from this country would be to proceed with the Pacific Railway and other great works at once. He asked whether it was intended to provide hospital accommodation for emigrants on their arrival at Quebec. He hoped that such accommodation would be provided in the new sheds being constructed.

**Mr. MILLS** thought the bill was to legislate on subjects not within its jurisdiction, thus interfering with the legislation of the several Provinces. Although this Parliament had concurrent power to deal with the subject of legislation regarding emigration it only applied, in his opinion, to such matters as were not vested in the Local Legislatures. The seventh clause was clearly a provision that this Parliament could not make as hotel keepers were licensed by the Local Government and under their control.

**Hon. Mr. ANGLIN** thought there was no doubt about the position taken by the members for Bothwell (Mr. Mills) and Durham West (Hon. Mr. Blake). He thought the provision to advance money to emigrants a good one in one sense as the emigrant would feel that he was under certain obligations to those who advanced the money, and it would no doubt induce many to remain in the country. He said there were many objections to the bill but the question was such a difficult one that he must confess he could suggest nothing better. He thought the measure would induce a mere Coolie system. He explained that he meant by this the binding of emigrants before taking passage to work for a certain number of years for a certain price which might be very unfair to them.

**Hon. Sir FRANCIS HINCKS** desired to refer to the charge of the member for Gloucester (Hon. Mr. Anglin) that the present bill was nothing but a Coolie system. That gentleman surely could not understand that system. Having been Governor of a colony where this system was in force he might claim to be better acquainted with the subject than any other member. He explained that where the Coolies were recruited—India and China—the agents were under the immediate and careful supervision of the Governments there and every effort was made to prevent abuse.

The essential feature of the scheme was that the planters were compelled to pay the Coolies during the time of their engagement the current wages paid to unindentured labourers and, in addition, to provide them with house accommodation and medical attendance. He admitted the bill was not perfect in all respects, but the question was not a party one and there were so many difficulties connected with it, and it was a matter of such consequence to the country, that there should be as good a scheme as possible. He hoped all members would assist the Government in making it so.

**Mr. FERGUSON** called attention to section twelve which he considered very indefinite.

**Hon. Mr. POPE** said the section would apply to all emigrants, and the proceeds of the property of emigrants dying would be handed to the institution taking charge of the children.

The bill was read a second time.

The House adjourned at 5.25.





May 20, 1872

## HOUSE OF COMMONS

Monday, May 20, 1872

The **SPEAKER** took the chair at 3.15 p.m.

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*Prayers*

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## PETITIONS

A number of petitions were presented.

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## PRINTING AND BINDING

**Hon. Mr. MORRIS** presented a return to the address giving a statement of the amounts paid for confidential printing and binding.

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## FRANKING PRIVILEGES

**Mr. THOMPSON (Haldimand)** asked when he might expect the return relating to Banking Privileges.

**Hon. Mr. TUPPER** replied that he would answer tomorrow.

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## IMMIGRANT RETURNS

In reply to Mr. Stirton,

**Hon. Mr. LANGEVIN** stated that the return of the number of emigrants conveyed over the Dawson route was being prepared and would be brought down at any early day.

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## CHATHAM BOARD OF TRADE

**Mr. STEPHENSON** moved for leave to introduce a bill to incorporate the Board of Trade of Chatham.

## NATURALIZATION

**Mr. MORRISON (Niagara)** moved the House into committee to consider the bill to naturalize Mr. A. G. P. Dodge. The committee rose and reported without amendment and the bill was read a third time and passed.

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## DOMINION WATER WORKS COMPANY

**Hon. Mr. WOOD** moved the House into committee on the bill to incorporate the Dominion Water Works Company.

**Hon. Mr. BLAKE** thought the bill required amendment inasmuch as it might be taken to sanction the validity of the patent mentioned in the preamble and he thought that a clause should be inserted showing that it in no way sanctioned the validity of the patent.

After a short discussion it was agreed to insert a clause to that effect and the committee reported progress and asked leave to sit again.

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## BILLS ADVANCED

**Mr. STREET** moved the second reading of the Act to amend the Act incorporating the British America Assurance Company and the subsequent Act affecting the said Company, as amended by the Standing Committee on Banking and Commerce, which was carried.

The House then went into committee on the bill, rose, reported, and the bill was read a third time and passed.

**Mr. GIBBS** moved the second reading of the Act to amend the Act 27 Vic., Cap. 50, entitled an Act to incorporate the London and Canadian Loan and Agency Company, (Limited) as amended by the Standing Committee on Banking and Commerce.—Carried.

The House then went into committee on the bill, rose, reported, and the bill was read a third time and passed.



**Hon. Sir FRANCIS HINCKS** moved the second reading of the Act respecting the Toronto Savings Bank as amended by the Standing Committee on Banking and Commerce.—Carried.

The House then went into committee, and the bill was reported, read a third time, and passed.

**Mr. MERRITT** moved the second reading of the act to incorporate the St. Catharine's Board of Trade.—Carried.

The House then went into committee, and the bill was reported a third time and passed.

**Mr. MAGILL** moved the second reading of the bill to amend the act incorporating the Mutual Life Association of Canada.—Carried.

The House then went into committee and reported the bill which was then read a third time and passed.

The following questions were then asked:

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#### WEST INDIES STEAMSHIP LINE

**Hon. Mr. GRAY:** Whether it was the intention of the Government to include in the estimates for the ensuing year any provision for subsidizing a line of steamers to the British West Indies as recommended by the Commission to the British and Foreign West Indies Association in the report to the Government in 1866.

**Hon. Mr. LANGEVIN** said that the Government appreciated the importance of subsidizing a line for this purpose. During the recess they propose to take steps to ascertain whether the Government of the British and Spanish West Indies will be disposed to contribute to a line or lines of steamers between Canada and the West Indies and, if so, the Government of Canada will ask Parliament to do its share in the matter. It was understood that Sir Hugh Allan had offered to put on two steamers a month at £1,000 a trip.

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#### CANADIAN ARCHIVES

**Mr. BLANCHET:** Whether any measures had been taken towards the construction of a Canadian Archives' office as recommended last session by the Joint Library Committee.

**Hon. Mr. POPE** answered that no steps had been taken, but a sum will be placed in the estimates for the purpose.

#### MISCELLANEOUS QUESTIONS

**Mr. RENAUD:** Whether it was the intention of the Government to place in the Supplementary Estimates any appropriation for the construction of a breakwater at the entrance of the harbour of Richibucto in the County of Kent, New Brunswick.

**Hon. Mr. LANGEVIN** replied in the affirmative.

**Mr. GAUDET:** Whether it was the intention of the Government to issue permits for the placing of booms to detain lumber upon the navigable rivers, on condition of the parties interested always providing easy passage for navigation.

**Hon. Sir JOHN A. MACDONALD** answered that the Government had not power to issue permits for this purpose.

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#### NATURALIZED FOREIGNERS

**Mr. YOUNG** moved an Address for any correspondence which may have taken place between the Imperial and Canadian Governments, or between the latter and any corporation, or private individuals, touching the recognition by Great Britain of German and other naturalized citizens, as British subjects, when in countries other than Her Majesty's possessions. He said that great hardships had been experienced by Germans on returning to their own country and referred to the attention given by Great Britain to the subject and the commissioners appointed there to examine into the matter of naturalization, and had thought some action should be taken so as to obtain between the Governments of Great Britain and Germany such a treaty as existed between Great Britain and the United States.

**Hon. Sir JOHN A. MACDONALD** said there was no recent correspondence on the subject but, when in England, he and his colleagues had pressed very strongly the hardships suffered by foreigners settling in Canada and naturalized by Canadian, but not by British, law. Canada, of course, as a British colony, could not pass a law which would have effect beyond her borders. What Canada wanted was that the Imperial Government should pass an act giving equal power to the Canadian act with the Imperial act.

The Imperial Government had not yet acceded to the request but the difficulty in their minds arose, not from any idea that Canada would make any improper use of such power, but from the multiplicity of British colonies and the fear that some of them might give the right of British subjects to semi-barbarous people. The matter, however, would continue to engage the attention of the Government and if they did not succeed an address of the Parliament to the English Government as suggested might be advisable.

May 20, 1872

The motion was then withdrawn.

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### MOTIONS

**Mr. SCRIVER** moved an Address for the return of the names, tonnage and classification of all vessels navigating the inland waters of the Provinces of Ontario and Quebec in the year 1871, with the names of their respective owners.—Carried.

**Mr. STIRTON** moved an Address for copies of the estimates of the work done on each section of the Intercolonial Railway submitted to the Commissioners by the Chief Engineer.—Carried.

**Mr. MILLS** moved an Address for a copy of the laws of Manitoba enacted during the last session of the Local Legislature relating to the registration and qualifications of electors and the constitution of the Supreme Court.

**Hon. Sir JOHN A. MACDONALD** said unless there was some special object in the motion he thought it would be a very inconvenient precedent to have to send down statutes already in the library.

**Mr. MILLS** said the statutes were not in the library and said it was very important that the House should know what laws had been passed in Manitoba.

**Hon. Sir JOHN A. MACDONALD** said the statutes should be brought if there were such.—Carried.

**Mr. OLIVER** moved an Address for copies of the tenders for the supply of coal oil for lighthouse purposes for the years 1870, 1871, and 1872, with the reports of the inspectors on the samples.—Carried.

**Mr. McCALLUM** moved an Address for the copies of all tenders received by the Department of Public Works for the excavation of earth and rock in deepening and improving Port Colborne harbour on Lake Erie last year. He understood that the Government advertised last for tenders and let the work but that the contractors had since given up blasting the rocks saying it was so hard it could not be worked. The matter was so important that he thought the motion very necessary.

**Hon. Mr. LANGEVIN** said the work was not abandoned but only postponed.—Carried.

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### THE WELLAND CANAL

**Mr. McCALLUM** moved for copies of all the reports made to the Department of Public Works by the engineer in charge of giving

the quantity of earth and rock excavation required to be done to complete the canal for the Lake Erie level by the Port Colborne and Port Maitland routes respectively. He said a survey was made last year on the Welland canal in order to obtain the best route for an inlet to Lake Erie. It was a very important question, inasmuch as it would improve the facilities of trade from the west and would enable Canada to neutralize the advantage the Americans had in the coasting trade of the inland waters. The enlargement of the canals would bring a large portion of the trade of the West by the St. Lawrence and would enable Canada to load cargoes at ports on Lakes Michigan, Erie, and Superior, and unload them at the ports of Kingston, Montreal, and Quebec. Still, though the matter was of such consequence, the Government would be cautious and get as much information as possible so that no mistakes might be made, for great mistakes had been made formerly.

At present vessels had to be lightened at Port Colborne before they could get into the canal. If the Port Colborne route were decided on, there would be an immense amount of rock cutting and the water would have to be taken out before the work could be done which Mr. Page stated would cost a very great amount. The work would have to be done in the winter and when Port Colborne was reached there would be a harbour with a rock bottom and without shelter, whereas Port Maitland was the best harbour on Lake Erie and the works on that route could be done in the summer and could be finished in two years, at a cost of \$1,800,000.

He insisted that before more money was thrown away the Government should get full information on the subject. They were no nearer the object yet than they were years ago and, therefore, he desired that the House should have full information so that the members could form their own views as to the men employed by the Government. They had been wedded to the Port Colborne route for years and it was quite time they were divorced.

**Hon. Mr. LANGEVIN** suggested that the report of the Chief Engineer of the Board of Works should be included in the motion. He hoped that the hon. gentleman (Mr. McCallum) would not consider it a want of respect if he (Hon. Mr. Langevin) declined to enter into a discussion of the subject until all the reports and information had been laid before the House. He knew well the interest the hon. gentleman had always taken in the welfare of the region referred to in the motion for the enlargement of the Welland Canal. He knew also that the hon. gentleman had always been in favour of the feeder being made the main line of navigation through the canal. He (Hon. Mr. Langevin) was sorry to say that the Department of Public Works could not agree with the hon. gentleman in that view and he was in hopes that when he saw the reports and estimates that would be submitted to his hon. friend he would coincide with the Department in the opinion that by far the shortest and most economical line was that recommended by the Chief Engineer of the Department.

**Mr. STREET** was very glad to find the Minister of Public Works so heartily acceding to the motion of his hon. friend from



Monck (Mr. McCallum). He was glad also that it had been suggested to add to the motion of the Chief Engineer. It was of the utmost importance that the House should have all the information the Government possessed with regard to this great work together with all the reports and estimates that had been presented by the several engineers and officers of the Department. It was just the information every member of the House required because in considering the recommendations that might be made by the Government with regard to these large undertakings, hon. members must be guided in forming a judgment by scientific and impartial reports and not by the statement of any person more particularly connected with the works. The House must deal with the matter upon some substantial authoritative report, and that could only be obtained from the engineer employed by the Government. He (Mr. Street) was glad the Government had had this matter under their serious consideration and had taken into account the manner in which the work of enlargement should be carried out, and the mode to be adopted for furnishing the money necessary for its completion. He accepted it as an earnest intention of the Government to proceed with the work and that they had given the reports their best attention instead of adding to the files of papers in the pigeon holes. He was glad that they had probably adopted a line for the canal which they would be prepared to recommend to the House and that that line was most likely to be that at present existing.

Although in the work of enlarging the present canal there might be temporary difficulty in regard to the removal of the rock, that did not seem from the report of the chief engineer to be an insuperable obstacle and he was glad to find that the Government, notwithstanding the difficulty, were prepared to enter heartily upon the prosecution of the work. (*Hear, hear.*)

**Hon. Mr. MACKENZIE** was glad to learn from the remarks of the hon. member for Welland (Mr. Street) that each member of the House would be able to follow his own judgment as to the line to be adopted in carrying out the new works to be proposed by the Government.

**Mr. STREET** said that what he had said was that every member would be able to see the reports upon the subject and that upon them judgment would be founded.

**Hon. Mr. MACKENZIE** said the hon. member reminded him of the line "God bless the man who may have aught to give." He (Hon. Mr. Mackenzie) was glad to hear that every member would be at liberty to exercise his own judgment and when other public works the Government intended to propose came up for consideration it was gratifying to know that they would have the support of the hon. Member for Welland (Mr. Street) to the principle of independent judgment.

He (Hon. Mr. Mackenzie) would like to know when the reports called for in the motion would be brought down. The hon. member had expressed gratification that this matter had engaged the serious

and careful attention of the Government, but it was more important that the House should have the reports at any early day so that members might give the subject consideration themselves before being called upon to vote away the public money. This was not to be treated as a mere local work; it was a matter that interested the whole country quite as much as the two hon. gentlemen opposite, who naturally took a special interest in it, and perhaps a more dispassionate judgment would be formed upon it by others than by them. In order to secure such a judgment, it was exceedingly important that the documents should be brought down at an early day.

**Mr. STREET** did not think either his hon. friend for Monck (Mr. McCallum) or himself had treated this matter as a local work, for they had always spoken of it as a great national undertaking. In that sense they still regarded it, and for that reason he was gratified that the House would have an early opportunity of seeing all the reports, so that every member would be able to exercise his judgment upon the recommendations the Government would bring down.

**Mr. THOMPSON (Haldimand)** hoped with the hon. member for Welland (Mr. Street) that this work, which had been so long promised, would be effectually carried out, and that at an early day. The House had already heard of sums of money to be spent in the East, and hon. members from the West might well claim that some expenditure should take place as well upon this great national work. He trusted that the time for speaking had ceased, and the time for action arrived; and that what was proposed was not simply for the purpose of creating an effect before the elections.

**Mr. McCALLUM** pointed out, in support of his argument, that the Port Maitland route should be adopted; that although that line was ten miles longer than by Port Colborne, it brought vessels twenty miles further up Lake Erie than the present line. He maintained that that was a great advantage, for while it would give shipping an excellent harbour at Port Maitland, it would avoid the risks incident to the dangerous navigation in the vicinity of Port Colborne.

**Mr. MERRITT** said he lived at the other end of the Welland Canal, and was not, of course, particularly interested in the matter. He could, therefore, speak dispassionately. It was well known that when the Canal was first projected, all the country was carefully surveyed, and Port Colborne was selected as being, upon the whole, the best harbour upon the lake. It was as the hon. member for Monck (Mr. McCallum) had stated, ten miles less distant than Port Maitland. They all knew that ten miles of Canal were very different from ten miles of Lake navigation, and it would be very objectionable to build a Canal of that length, to be used for all time to come. If a shorter route was feasible, that he thought was a point for the engineers to decide, and when their reports were before the House, the question should be dealt with upon its merits. As for himself, he had no very strong opinions as between Port Colborne and Port Maitland; but when it was remembered that the Canal was

May 20, 1872

for use for all time to come, the best route should be chosen by the Government.

**Mr. WORKMAN** said he knew very little of the merits of the two routes, but it was desirable, in the interests of commerce, that the work of enlargement should be proceeded with.

**Mr. McCALLUM**, in reference to what had fallen from the hon. member for Lincoln (Mr. Merritt), denied that he (Mr. McCallum) was an interested party in the matter. The hon. gentleman was himself more interested, for it was his object to get a depth of fourteen or fifteen feet of water in Port Colborne harbour. The hon. gentleman was interested in the Welland Railway and such a work would aid that Railway. It was the same motive that led the hon. gentleman to use his influence with the Minister of Justice in order to get the clauses inserted in the Treaty of Washington, respecting the carriage of goods from one American port to another, by Canadian vessels, provided the goods passed over a portion of Canadian territory on the way. It was to save the stockholders of the railway that the hon. gentleman had sought this provision. (*Hear, hear.*)

**Mr. McDOUGALL (Renfrew South)** thought it would soon be advisable to negotiate another Treaty of Washington, in order to secure the Imperial guarantee for money to build the Ottawa canal. (*Hear, hear.*) This was an important work, which should be taken into the consideration of the Government.

**Mr. MERRITT** denied the charge that he had consulted the interests of the Welland Railway before those of the Canal. In the communication he had with the First Minister (Hon. Sir John A. Macdonald) when at Washington, he had called attention to the coasting trade of the United States as being of the very first importance to the marine interests of this country and to the desirability of Canadian vessels being permitted to engage in it. If that was not attainable, then he had asked the First Minister to secure participation in the trade, on the condition that it should pass over Canadian territory on the way. The hon. member for Monck (Mr. McCallum) would see by the correspondence what he (Mr. Merritt) had done in the matter, and he was satisfied that the arrangement concluded at Washington was a great boon to the country. As for the Welland Railway, if it was able to compete with the canal now, it would certainly lose nothing if the latter work was made ten miles longer, as the hon. member proposed.

The motion was then carried.

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#### THE TARIFF

**Mr. ROSS (Dundas)** moved the House into Committee of the Whole to consider the following resolution:

1. That it is highly desirable that the several classes or branches of the industrial pursuits in this country should as far as possible be placed on an equality.

2. That the agricultural classes are not so placed whilst grain of all kinds remains in the free list.

3. That in order to remedy that inequality and to remove an injustice, the following articles imported into this country be made subject to a duty, viz., barley, oats and Indian corn per bushel \_\_\_\_\_ cents; coal per ton \_\_\_\_\_ cents.

He complained that the farming interest was denied the protection allowed to every other class, whereas they ought rather to receive peculiar attention and respect. His motion might be contrary to the policy of the Government, but knowing their high and noble motives, he was assured they would treat the matter with proper consideration. The hope of reciprocity with the United States, at least so far as grain was concerned, seemed to be very far in the distance. He believed that the Government made a great mistake last year in not standing firm on this subject, and he asked whether it was fair that Canadian grain had to pay a very high duty in going to the United States, while American grain could at any time be thrown into Canada to any extent and without obstruction. Canadian farmers were most unfairly treated in comparison with others.

Nothing would go further to reconcile the farmers to the Washington Treaty than giving them protection against American produce. Ontario could supply wheat to the Lower Provinces, and could in return get coal, and so all the Provinces would be benefited, and by protecting home industry the country would prosper. He did not commit himself to any old theory; but he desired that the matter should be dealt with in a truly Canadian spirit. Canada and the United States were very much alike in their products, and no country has prospered more than the United States; and Canada might well adopt the American system in this matter. He trusted that the Government would support his motion. (*Cheers.*)

**The SPEAKER** ruled the motion out of order on the ground that it did not rest with a private member to introduce any measure imposing taxation.

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#### BRITISH COLUMBIA AND MANITOBA ELECTIONS

**Mr. BODWELL** moved that the Clerk of the Crown in Chancery do prepare a return from the records of the elections to the present House of Commons in British Columbia and Manitoba shewing the aggregate numbers of votes polled in each electoral division in which there has been a contest, with the total number



polled in each such division and the number of votes on the voters list of the same respectively, and the population in each constituency, as shown by the last census.

**Hon. Sir JOHN A. MACDONALD** asked what was the object of the motion.

**Mr. BODWELL** thought the information desirable for the House and the country.

Carried.

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### SEIZURE IN THE ST. CLAIR CANAL

**Mr. STEPHENSON** moved an address for the correspondence respecting the seizure by the United States custom officials of the steam tug and barge, the property of Hiram Little, in the St. Clair Flats Canal. He referred to the circumstances of the seizure and the expenses incurred by Mr. Little, and thought the matter ought to be fully investigated.

**Hon. Mr. MACKENZIE** said that by the Treaty of Washington the place of seizure was admitted to be American territory. The recognition of this canal as an American work involved more questions than the mere right of navigation, for every ship that ventured into the channel and performed any act of lighter age would subject itself to the Customs' regulations of the United States; and had previously shown that those regulations were of a singularly aggressive character on the Lake. He mentioned an instance of a Canada tug being seized because she picked up an American vessel on the American side of the boundary line of the Lake and towed her from a point in Lake St. Clair to a point in the river Detroit, and it required a great effort to obtain her release.

He desired to know from the First Minister (**Hon. Sir John A. Macdonald**) what was the position of the owner of the vessel in the present case, and whether he was absolutely without redress for the gross outrage on his property, or whether the recognition of the work as American involved the recognition of the seizure as legal. The point was a very serious one, and would affect Canada to a very great extent, and it showed to what exactness they would be subjected if the present system of American diplomacy were allowed to prevail. There was no question that the canal was built on Canadian territory, and though the First Minister in his speech on the Treaty stated that it was generally admitted to be on the American side, he could prove that one of the principal engineering officers of the United States reported that it was clearly in Canadian waters, and this was admitted by every one, whether scientific or mere navigators. A motion on such a serious matter should not pass without some explanation from the leader of the Government.

It being six o'clock the House rose.

### AFTER RECESS

**Hon. Sir JOHN A. MACDONALD** said there was no objection to the motion. He would not enter into a discussion upon the question until the correspondence was brought down. With regard to the Little case, the United States Government at his request had given up the bonds, released the sureties and abandoned all further proceedings in the matter. With regard to the question of the channel, it stood thus:—The Treaty of Washington did not in any way deal with the boundary. In 1842 a treaty had been made by which all the channels between the islands in the River St. Clair were free to the vessels of both nations. That treaty was still in operation, and those waters remained free no matter whether the channel was on the American side or the Canadian side. As regarded the canal, the United States Government had made it under the belief that they were making a canal in their own territory. He believed also from all he could learn, that if a map signed by Porter and Barclay was binding, the canal was within American territory. On reference to the papers that had been laid before the House, the hon. gentlemen opposite would perceive that the Crown law officers had given a formal decision that the evidence was conclusive of that fact.

**Hon. Mr. MACKENZIE:** Who has given that decision?

**Hon. Sir JOHN A. MACDONALD:** The law officers of the Crown in England. He had laid the papers on the table of the House, and the hon. gentleman would see the decision on referring to them. If that opinion were correct, although it would not injuriously affect Canadian interests, it would settle the question of the boundary, and if the plan were binding, the canal must be considered to be in American territory; and however unfortunate it might be we would have to be bound by it. It was not, however, a matter which would make a material difference, for as he had said, by the Treaty of 1842 all the channels of the River were common to both nations, no matter where they were. This canal was one of those channels by which the Treaty was free to the use of both nations alike. If by the plan of Porter & Barclay, the canal or any portion of it was in Canada, it would be considered to be in Canada.

The Treaty of Washington did not affect the question of the boundary line, nor did it profess to do so but the United States had built the canal, had spent their money upon it, had contended that it was within their territory, and they had by the Treaty voluntarily and forever given the use of it to Canada in equal terms with their own people. That was the position in which the matter stood, but if it was of any importance, and if the plan showed that the canal was in Canadian territory, Canada could assert her rights for the Treaty did not in any way affect them or pretend to affect them. The United States did not desire that they should be affected by the Treaty, and we were as much welcome to use the canal as themselves.

May 20, 1872

**Hon. Mr. MACKENZIE** said the hon. gentleman had carefully avoided making reference to the express words of the Treaty, which he must know were entirely opposed to the view he had taken.

**Hon. Sir JOHN A. MACDONALD:** Must know?

**Hon. Mr. MACKENZIE:** If the hon. gentleman did not know, he ought to know that the words of the Treaty were opposed to his words.

**Hon. Sir JOHN A. MACDONALD** thought he ought to know, at least as well as the hon. gentleman, what the words of the Treaty were. (*Laughter.*)

**Hon. Mr. MACKENZIE** said the hon. gentleman knew very well that his statement was not borne out by the words of the Treaty. This case was another instance of the sharp practice of the United States Government and was all of a piece with the usual diplomacy of its officers. (*Hear, hear.*)

The hon. gentleman had laid a good deal of stress upon the fact that the American Government had spent a good deal of money upon the canal. Well Canada had spent a good deal of money upon the proper channel which was north of the canal, and he would like to know whether by spending money upon it the United States Government became owners of the territory, for that was what the hon. gentleman's statement amounted to.

**Hon. Sir JOHN A. MACDONALD** said he had stated nothing of the kind. He had not said that the spending of money on the canal had settled the boundary line.

**Hon. Mr. MACKENZIE:** Well if the hon. gentleman had not said that, he had stated that the spending of money would be an element in the consideration of the case.

**Hon. Sir JOHN A. MACDONALD:** No, not in the settlement of the boundary line.

**Hon. Mr. MACKENZIE:** For what purpose was it mentioned.

**Hon. Sir JOHN A. MACDONALD** said the case was simply this, that the United States Government claimed that the canal was in their territory, that they had spent money there, and that they declared whether it was on their side of the boundary or not, we were welcome to use it on the same terms as themselves.

**Hon. Mr. MACKENZIE:** Oh! I could say the same thing of the other channel.

**Mr. STEPHENSON** said it was necessary that the question should be settled whether the canal was in Canadian territory or not. There was no doubt we had equal right according to the Treaty of Washington to navigate all the channels of the river, but the question was whether we had a right to carry on trade in all ports of the Canadian territory without let or hindrance from the Americans. (*Hear, hear.*) He thought it was a matter that ought to be definitely

settled, whether when Canadians carried supplies to one port of the canal, as Mr. Little had done, they were entitled to do so as being within their own territory or not. American shipowners, surveyors and others in Detroit had stated it as their opinion that the canal was within Canadian territory, and this, he maintained, was unquestionably the case.

The question then was whether Canadian vessels had a right to land goods upon the embankment of the canal without interference by the American Custom-house officers. According to the claims of the United States Government, Canadians had no such right, the whole being within American jurisdiction. Even if the canal had been declared free to both countries alike, the United States authorities had put so many restrictions and vexatious regulations upon the traffic through it, that unless something was done to define the real boundary, we would be continually getting into trouble with them. Under their system of rotation in office, new officials were appointed every few years, and there would be constant seizures of Canadian vessels in the expectation that a profit would be made out of them by a share in the seizures. The annoyance arising from this cause would never end until some definite understanding was arrived at as to the proper boundary line.

**Mr. MILLS** said there was a difference between the position of this question now and its position before the Treaty of Washington. That Treaty ceded to the people of Canada the right to navigate the canal as freely as the Americans. When the British Commissioners put their signatures to a Treaty in which this cession was made, it seemed to him that that act was an effectual stopper to any subsequent proceedings to question the American right of jurisdiction over the canal.

The motion was then carried.

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#### ADDRESSES

**Mr. STEPHENSON** moved an address for the correspondence respecting lot No. 51, part of the Indian reserve at Sarnia.—Carried.

**Mr. BOLTON** moved an address for the correspondence relating to the shipping or desertion of seamen.—Carried.

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#### HALIFAX TERMINUS

**Mr. JONES (Halifax)** moved an address for the correspondence respecting the proposed arrangement for obtaining a portion of Her Majesty's dockyard at Halifax as a terminus for the Intercolonial Railway.

**Hon. Mr. LANGEVIN** said that last year the intention was to extend the line into the city. A survey was made, and it was found that the line in question was not advisable. New surveys were made, and the Government decided that the best line for all purposes was



the extension from the railway station through the dockyard. Correspondence was going on with the Imperial Government to obtain the right of way through the dockyards, but no answer was yet received. The intention was to go on with the work as soon as possible, and if the right of way could not be obtained through the docks, the terminus would have to be made at the end of the dockyard.

**Mr. JONES (Halifax)** asked whether a survey had not been made for bringing in the line off from the dockyards.

**Hon. Mr. TUPPER** replied in the negative. He had visited Halifax, and found a strong impression that bringing in the line in the way contemplated would not meet the views of the people or attain the object of the railway, and he therefore requested the Minister of Public Works (**Hon. Mr. Langevin**) to stay his hands and allow a new survey to be made. The present plan was such as would meet the public approval. He also mentioned that a large extension of wharf accommodation was contemplated, for which an appropriation was asked.

**Mr. McDONALD (Lunenburg)** said he believed the decision of the Government met with the almost unanimous approval of the people. He asked whether the line of Water Street had been suggested to the Government in the event of a failure to obtain the right of way through the dockyard.

**Hon. Mr. HOWE** spoke, explaining the nature of the proposed line.

The motion was carried.

**Mr. FOURNIER** moved an address for the correspondence respecting the piers in the St. Lawrence below Quebec constructed by the means of loans derived from the Municipal Loan Fund.

**Hon. Mr. LANGEVIN** explained, and the motion was withdrawn.

**Hon. Mr. SMITH (Westmorland)** moved an address for the correspondence between the Intercolonial Railway Commissioners and the Chief Engineer and others respecting the appointment or displacement of any engineer, officer or employee of the said railway.

**Mr. FOURNIER** moved an address for correspondence respecting the electoral subdivisions to be made in pursuance of Act 34 Vic., Cap. 20, in the Municipalities of the Province of Quebec.—Carried.

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### METEOROLOGICAL REPORTS

**Mr. JONES (Halifax)** moved an address for the correspondence on the subject of the meteorological observations and weather

reports. He thought this was a matter of great national importance. He referred to the weather reports in England which were of the greatest possible advantage. The United States adopted a similar system. They had some 120 different posts from which reports were received every day. A system like this would be of incalculable advantage to a maritime country like Canada, and his object was that the Government should ask a vote so as to obtain these reports, giving the Canada reports. The American system was simple and inexpensive.

**Hon. Mr. TUPPER** was glad attention had been called to the matter. Last session the Government made a commencement by asking a small appropriation for obtaining the necessary meteorological information. He had already stated that it was the intention of the Government to extend this, with a view to make the system more perfect and carrying out the objects of the various Governments, and inform them of the condition of the weather in other sections of the continent, so as to give to the people of Canada the same advantage that had been realized by the system of storm signals in force in the United States. In that country a very great saving had been effected in a commercial point of view, in addition to the saving of life, and, in one instance, where information was given that a storm was impending, twenty captains met and decided to remain in port, while others, who disbelieved the information, went to sea, and every vessel that went to sea was lost.

**Mr. WORKMAN** said the matter was also of great importance to the farming and commercial interests of the country, and his constituency had asked him to urge it on the Government.

**Mr. BOLTON** was confident that no expenditure would be more gratifying than that spoken of.

**Hon. Mr. ANGLIN** said the people of St. John were most anxious that this matter should be carried out. The loss would bear no proportion to the advantage that would be derived.

**Mr. MERRITT** trusted that the Government would take the matter in hand and ask an appropriation for introducing a system of storm signals. He mentioned an instance in which great advantage had been derived from the hoisting of the storm signals at Buffalo.

**Mr. SCHULTZ** said that Canada should take up and follow out the system commenced by the United States, and he believed the Americans found great difficulty in making their calculations for want of information from Canada.

**Mr. MILLS** said that in a matter of this kind Canada must act with the United States. The object was a very important one and at a very small charge. He had conferred with men in the United States connected with the system of storm signals, and was told that they had great difficulty in following up their calculations by the want of observations in Canada, and they urged the establishment of posts in the different parts of Canada. These observations, to be of value, should be made at the same moment all over the continent.

May 20, 1872

The motion was carried.

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#### MUD LAKE

**Mr. LAPUM** moved an address for correspondence respecting the dam across the outlet of Mud Lake.—Carried.

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#### SEWING MACHINES

**Mr. STIRTON** moved an address for a return of the number of sewing machines entered at the various ports of entry of Canada from the 1st July, 1867, to the 1st April, 1872.

**Hon. Mr. MORRIS** said the return would give much trouble, and asked the reason of its being wanted.

**Mr. STIRTON** said he believed the United States machines were sent in at much below the value, and it was advisable that the country should be informed on the matter.—Carried.

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#### QUEBEC POST OFFICE

**Mr. ROBITAILLE** moved an address for the tenders received for the heating apparatus in the Post Office, Quebec.—Carried.

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#### NEW BRUNSWICK SCHOOL LAW

**Mr. COSTIGAN** moved, seconded by **Mr. RENAUD**, and the Question being proposed, that a humble Address be presented to His Excellency the Governor General, representing: That it is essential to the peace and prosperity of the Dominion of Canada that the several religions therein prevailing should be followed in perfect harmony by those professing them in accord with each other, and that every law passed either by this Parliament or by the Local Legislature disregarding the rights and usages tolerated by one of such religions is of a nature to destroy that harmony;—That the Local Legislature of New Brunswick in its last Session, in 1871, adopted a law respecting Common Schools forbidding the imparting of any religious education to pupils, and that that prohibition is opposed to the sentiments of the entire population of the Dominion in general and to the religious convictions of the Roman Catholic population in particular;—That the Roman Catholics of New Brunswick cannot, without acting unconscientiously, send their children to schools established under the law in question and are yet compelled like the remainder of the population, to pay taxes to be devoted to the maintenance of those schools;—That the said law is unjust, and causes much uneasiness among the Roman Catholic population in general disseminated

throughout the whole Dominion of Canada, and that such a state of affairs may prove the cause of disastrous results to all the Confederated Provinces;—And praying His Excellency in consequence at the earliest possible period to disallow the said New Brunswick School Law.

He said that the Catholics of New Brunswick had asked for the same rights as the minority of Protestants enjoyed in Quebec, but they asked in vain. The school bill interfered with constitutional rights, and ought to have been disallowed. He maintained that whatever rights were enjoyed at Confederation ought to be maintained and respected, and that at that time the Catholics had separate schools.

**Mr. BELLEROSE** after claiming the indulgence of the House for speaking in English, a language with which he was but little conversant, urged that, considering what had been done for Nova Scotia, with but one-twelfth of the population of the Dominion, with reference to the School Act of 1871, we had a case of a most serious character with New Brunswick, with one-third of the population, asking for redress—which redress, however, that Province could not get. New Brunswick had, moreover, the admission of the Prime Minister and thirteen members of the Administration that the School Act of 1871 in New Brunswick might act disadvantageously to the Catholics. It was clearly the duty of the Government, after this admission, to use all constitutional means to remedy what had been done, and rectify this evil to New Brunswick, and it was not alone from the Catholics of that Province, but from over a million Catholics of the country, that a voice was raised for the School Act of 1871 to be disallowed. It was not a case between Catholics and Protestants, but members alike on both sides of the House, after having helped so far in rectifying the defects of this Act in Nova Scotia, should justice at least be done in this matter to New Brunswick.

**Hon. Sir GEORGE-É. CARTIER** said no doubt the mover was actuated by the best possible motives, but if all the wording of the address were correct, even the fate of the Catholic majority of Quebec would have to be decided by the Dominion Parliament. The clauses of the Act of Confederation had been drawn up after the most mature deliberation, and with every regard to the delicacy of the question. The address tended to place the rights of the Catholics of the Dominion in the hands of a Protestant majority. Was that right? Was that wise? The Protestants of Lower Canada had no cause of complaint, and never would have so long as the Catholic majority were actuated by the present liberal sentiments; but if the motion was right with regard to the Catholic majority of New Brunswick, the Protestant minority of Lower Canada might come and say, "Repeal the last education law passed in Quebec."

The question of education rested entirely with the Local Government, and yet the hon. member would imply that the Dominion Government had power to deal with the matter, and the member for Laval (Mr. Bellerose) should reflect before assenting to such a proposition, for if it were accepted all the dangers would arise that were sought to be avoided at Confederation. In Upper



Canada there was secular education, but there was a secular school system where Catholics could be as they liked. The proposition went on to say that the Roman Catholics could not conscientiously pay towards the support of the present school. No doubt there was a hardship, but if the law was unjust it would not last long.

In Upper Canada the common school was governed by the majority, but when the majority raised a certain number they had a right to a separate school. In Lower Canada both parties paid taxation to a common school. The proposition, therefore, was not correct. It went on to say that the law was unjust and caused great uneasiness among the Catholics of Canada and might produce great mischief, and therefore prayed for the disallowance of the bill. If this was affirmed the principle must be extended to other Provinces, and as a Catholic of Lower Canada, he could not assent to it. As to the disallowance, the member for Laval admitted that no fault could be found with the decision of the Minister of Justice. The Government had advised the Governor General that the Act could not be disallowed.

He now decided to refer to the clauses of the Confederation Act on the subject. He quoted the clause giving the jurisdiction on matters of education to the Local Governments. He had pressed this at the time of Confederation because he wanted the power to be enjoyed by Quebec. There were conditions that no right enjoyed at Confederation should be interfered with, and that the privileges enjoyed by the Catholics in Ontario should be extended to the Protestants of Quebec, and that any system of separate schools should be maintained. In case of infraction of the latter condition, there was an appeal to the Governor in Council, and this was because it would not have been right to submit the Catholic majority of Quebec to the Protestant majority of the Dominion Parliament, whereas appeal to the Governor in Council must be settled in a spirit of justice with regard to the interests of both bodies.

He trusted the mover would see the false position in which he had placed the matter. It could not be maintained that the repealed law provided separate schools, and therefore there was no room for the disallowance of the repealing law. The power of disallowance lasted for one year. That power had not been exercised and could not now be revived. The motion was an attack on the Government, for they had either advised rightly or wrongly, and the House could decide which. It was upsetting the basis of responsible Government to ask the House to advise the Governor. He deemed the motion imprudent and fallacious, but he did not blame the mover, for every such discussion brought into light the Act of Confederation, and he would ask that the hon. member would pause before pressing the matter and no doubt the discussions in that House would have an effect on the New Brunswick Government.

**Mr. MASSON (Terrebonne)** could understand the hesitation of the Government in interfering with the action of a Local Government, but there was the relation of the religious rights of the people. The Government stated that they were to decide the

constitutionality of the acts of the Local Governments. Such was not the case in the United States or in England, and it was unfair that one Legislature should be able to declare unconstitutional the act of another.

As to the question of the act affecting the interest of the Dominion, if there was such a question, it must surely be education. Education and religion were banded together, for religion without education was more bigotry, and an attack upon the one was an attack on the other. He maintained that an attack on the rights of any portion of the people was a public evil to the country at large, and appealed to the Protestants that if the same thing had been done to the Protestants in Quebec would they not have done their utmost to remedy the injustice, and he was sure the House in a spirit of fairness would support the disallowance of the bill. The Government would not refuse to obey the expressed opinion of the House, and he asked that the Government would allow a free expression on the subject. The Provinces held the same position to the Dominion as the latter to the Empire.

He could not see that the principle of the motion in any way compromised the rights of the Catholics of Quebec, but supposing Quebec forgot the rights of the Protestant minority and passed a law similar to that of New Brunswick, it ought to be disallowed. He appealed to the Protestants of Lower Canada and to all Protestants to do to the Catholics what they would desire the Catholics to do to them. He spoke and felt warmly on this subject, and the Protestants would be ungrateful if they did not assist in having the law disallowed.

**Hon. Mr. LANGEVIN** could not approve of the New Brunswick School Act. The question for this Government to consider, however, was not whether the law was acceptable to them personally or not, but whether it was constitutional. He contended the Legislature of New Brunswick had the power under the constitution to pass such an Act, and therefore this Government had no right to disallow it. They had no right to deprive the Local Legislatures of the rights guaranteed them under the constitution.

**Hon. Mr. DORION** said the whole argument of the Minister of Militia (Hon. Sir George-É. Cartier) was that the principle of the motion would tend to bring the interest of the Catholic majority into the hands of a Protestant Parliament. He would appeal to the sense of justice of the members of the House, and unless he could show that the Catholics of New Brunswick had been treated unjustly, he would not ask any one to vote for the motion. He referred to the state of things in New Brunswick before Confederation, and maintained that separate schools were not what the Government were to decide as to the point of constitution. There were other ways of deciding this, and he maintained that the Government ought to interfere, for a third of the people of New Brunswick had been treated unfairly, and if a religious contention was roused, the consequences might be serious. If the Government had disallowed the Act, the New Brunswick Legislature would have reconsidered the matter, and might have allowed their Act.

May 20, 1872

He maintained that under the provisions of the Constitution which had been framed by the hon. gentlemen opposite, the subject could be properly brought before the House. What was good for the Protestant minority in the Province of Quebec could not be bad for the Catholic minority in New Brunswick. What was wanted in this Dominion was that there should be a feeling of perfect equality before the law, and that no class of the population should remain under the belief that its rights were trampled upon. If the law of New Brunswick was allowed to remain it would create excitement among the Catholics of that Province as well as of the Provinces of Quebec and Ontario, which might have deplorable results. It might lead to such union among Catholics, such hostility of class against class, as would stop the action of the Dominion Government. This was to be avoided by all means, and he appealed to the House to do its part to avoid such undesirable results.

The Minister of Militia (Hon. Sir George-É. Cartier) had said let the matter rest and not to appeal to a Protestant majority, but he would confidently appeal to this House, trusting to the good sense and its justice to interfere, as he considered it had a right to interfere for the protection of a minority in New Brunswick whose rights had been set aside and violated.

**Mr. WRIGHT (Ottawa County)** said, as a Protestant representative of a Catholic county in Lower Canada, he felt bound to express his opinion upon this subject. He had been elected by his constituents because they believed in his sense of justice, and he felt bound, therefore, to raise his voice in favour of the motion before the House, which, if he understood it rightly, was simply to secure for the minority in New Brunswick the same rights and privileges which were accorded to the minority in the province of Quebec.

He objected strongly to the manner in which Protestant rights had been acknowledged and guarded in the county he represented. He did not understand fully the constitutional point involved in this question, but he would be false to his duty as the representative of a tolerant constituency, false to the primary instincts of his nature as a liberal Protestant, if he failed to give his support to a motion the object of which was only to confer upon the Catholics of New Brunswick what the Catholics of Quebec had cheerfully conceded to the Protestant minority in that Province.

**Hon. Mr. ANGLIN** was sorry that there was necessity for such discussion and that a question of this kind had come before the House. It was not a correct view that the House was called upon to over-ride the Legislative acts of New Brunswick. All that was desired was that the Government should interfere to prevent an act

of injustice being done by the simple exercise of the veto power. The Catholic minority in New Brunswick did not ask as much as the hon. gentleman who had last spoken would concede them. All they wanted was to be restored to the position they occupied on the 1st of January last.

The law as it now stood in New Brunswick was based upon the principle that the child belonged not to the parent or to the church but to the State; but such a principle should not be recognized by any Christian Legislature. He thought that the Dominion were as much responsible as any Provincial majority for the condition in which the Catholics of New Brunswick were placed, for they could have prevented wrong being done if they had so chosen. If all the ministers had been bitter fanatics, they could hardly have acted differently from the manner in which they have acted, and although there were three Catholics among them, he would rather have trusted to a committee composed wholly of Protestant gentlemen for justice and fair play to the Catholics of New Brunswick.

**Hon. Mr. GRAY** moved the adjournment of the debate.

**Hon. Mr. DORION** urged that, if the adjournment was to be carried, the debate should be resumed tomorrow, instead of going under the rules for an indefinite period when the time might expire within which it would be competent for the Government to disallow the law.

**Hon. Sir JOHN A. MACDONALD** said there was plenty of time, for the law had a month to run yet within which it might be disallowed. There was no danger of the debate going over to that time. He could not consent to resuming the debate tomorrow, because opportunity ought to be given to members to make themselves acquainted with what the law really was. He himself could not find a copy of it in the Library; and it was the more important that the House should have the Statute before them, as the hon. member for Gloucester (Hon. Mr. Anglin) had misstated its character in at least one important particular.

**Hon. Mr. ANGLIN** denied that he had made any misstatement. He trusted that the debate would be made the first order for Wednesday.

**Hon. Sir JOHN A. MACDONALD** said he had no objection to that.

The motion was then carried, and the House adjourned at half past twelve.





May 21, 1872

## HOUSE OF COMMONS

Tuesday, May 21, 1872

The **SPEAKER** took the chair at 3.20 p.m.

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*Prayers*

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After routine business,

### SUPERIOR BANK

**Mr. KIRKPATRICK** introduced a bill to incorporate the Superior Bank of Canada. Read a first time.

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### THIRD READINGS

The following Government bills were read a third time and passed:

Bill to amend the Government Savings Bank Act, Cap. 6, of Statutes of 1871.

Bill entitled an Act respecting the public debt, and the raising of loans authorized by Parliament.

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### THE TREATY OF WASHINGTON BILL

**Hon. Sir JOHN A. MACDONALD** moved the House into Committee on the bill to give effect to the Treaty of Washington. The motion was carried, and the House went into Committee on the bill to give effect to the Treaty of Washington. The motion was carried, and the House went into Committee, **Mr. STREET** in the chair.

The bill was adopted without discussion, and the Committee rose and reported.

The bill was then read a third time and passed.

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### BANKS AND BANKING

**Hon. Sir FRANCIS HINCKS** moved the House into Committee on the bill to correct a clerical error in the Act relating to Banks and

Banking, and to amend the said Act. The motion was carried, and the House went into committee, **Mr. GIBBS** in the chair.

The bill was adopted without amendment, and the committee reported, whereupon the bill was read a third time and passed, under the title of "An Act to amend the Act relating to Banks and Banking."

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### TEA AND COFFEE DUTIES

**Hon. Sir FRANCIS HINCKS** moved the House into committee of the whole to consider the following resolution:

That it is expedient that all the duties of customs, whether specific or ad valorem, now payable on tea and coffee, should be repealed upon, from and after the first day of July next, provided that tea or coffee in the original packages in which it was imported may be re-bonded and warehoused at any time before the twentieth day of June next, and that when so bonded and warehoused the amount of the specific duty paid on such tea or coffee shall be repaid to the owner as a drawback.

The motion was carried, and the House went into committee, **Mr. CARTWRIGHT** in the chair.

**Hon. Sir FRANCIS HINCKS** said that on a former occasion he had stated the reasons which had induced the Government to propose the repeal of these duties. It would be almost impossible with our extended frontier to collect duties upon tea and coffee in the face of the fact that the United States were admitting those articles free. It was proposed to bring the law repealing the duties into operation upon the same day that the repeal took effect in the United States, and notice had accordingly been given by the Government in order that the trade might be prepared for the change. Very strong remonstrances, had however been addressed to different members of the Government from Montreal, Toronto, and other places in regard to the hardship that would probably be experienced by dealers in tea and coffee who had stocks of their duty paid, and suggestions had been made as to modes which would afford relief to those parties.

The Government felt that it would be quite impossible to undertake to refund all the duties that had been paid in every case, but, after fully considering the matter, they had decided to allow parties to re-bond their tea and coffee, and recover the specified duties they had paid, but not the ad valorem duties. (*Hear, hear.*) He had reason to believe that this would afford a very great measure of relief to the trade. The Government allowed parties engaged in it



to re-bond their goods at any time up to within ten days of the period when the law would come into force, and upon placing the goods in bond they would receive the specific duties they had already paid. He thought this a reasonable concession to make to the holders of tea and coffee, and one which should commend itself to the favourable consideration of the House. (*Hear, hear.*) With this explanation he trusted the resolution would be carried.

**Hon. Mr. MACKENZIE** asked the hon. gentleman if he could state the approximate quantity of tea and coffee at present in the country.

**Hon. Sir FRANCIS HINCKS** said it would be quite impossible to make a trustworthy estimate.

**Mr. WORKMAN** was very glad to hear the announcement that had been made by the Finance Minister. He had had interviews with the hon. gentleman upon this question, many of his constituents in Montreal having urged upon him the necessity of devising some means for the relief of parties holding large stocks of tea, and he was happy to say that the hon. gentleman, as well as the Minister of Customs (Hon. Mr. Tilley) had met him with great courtesy and an anxiety to do all in their power to settle such a difficult question. The plan that had been adopted would, he (Mr. Workman) thought, meet the wishes of these parties to a considerable extent. It was not all that some of them wished; but, under the circumstances, it was quite as much as could reasonably have been expected. (*Hear, hear.*) There was one point in regard to which he would like to be informed; whether parties who had purchased tea in bond in Montreal and paid duties elsewhere would have to go to Montreal to be refunded. The case of his hon. friend from Prince Edward (Mr. Ross) was one in point. He had purchased in Montreal, and the question was whether he would be allowed to re-bond in Picton and receive the duty there.

**Hon. Sir FRANCIS HINCKS:** Yes; wherever there is a custom house the parties will be allowed to re-bond there.

**Mr. WORKMAN** thought that concession would meet the wants of the trade and cause general satisfaction.

**Mr. McDOUGALL (Renfrew South)** asked whether the Finance Minister would propose any means to increase the revenue in order to make up for the loss sustained by the repeal of these duties, either by increasing existing duties or imposing new ones.

**Hon. Sir FRANCIS HINCKS** replied: Most certainly not this session. If he had had any such intention he would have considered himself bound to declare it at the time when he had given notice of these resolutions. He would then have stated that it was the intention to make changes in the tariff, so that there would have been no room for misunderstanding on the subject. It had, however, been impossible for the Government entirely to prevent misunderstanding in regard to it, for he had reason to believe, that in Toronto and other places, about the time he had brought down his resolution persons had hastened to pay duties on articles in

bond, such as tobacco, in the expectation that the Government would place additional duties upon them this session. Indeed there had even been rumours which might be traced to hostile sources, that the Government had advised or influenced their friends to withdraw these goods from bond in advance; but he need hardly say there had been no foundation for such stories whatever. Those persons had acted entirely upon the imaginations of their own heads, in the belief that something would be done by the Government, which the Government had no intention of doing. (*Hear, hear.*)

**Hon. Mr. MACKENZIE:** That is the effect of having an evil reputation. (*Laughter.*)

**Mr. FERGUSON** said he might be wrong, but he had understood that it was the intention of the Finance Minister to readjust the tariff.

**Hon. Mr. WOOD:** Quite the contrary. He understood from the telegraphic reports of what the hon. gentleman had said that there was to be no readjustment.

**Hon. Sir FRANCIS HINCKS** said he had announced positively and distinctly that it was not his intention.

**Mr. FERGUSON** had understood that when the Government proposed in the first place to take off those duties, they would propose others to make up for the loss of revenue. (*Cries of "No, no."*)

**Mr. WORKMAN** said there was another point in regard to which it was desirable to have an explanation. It was whether the ten per cent extra duty which the United States imposed upon tea imported from places west of the Cape of Good Hope would be retained? It might be proper for the Finance Minister to state officially whether he had made enquiries upon that point at Washington, and if so, the results of them.

**Hon. Sir FRANCIS HINCKS** said he had taken pains to ascertain from the best sources at Washington what the effect of the law would be with regard to that charge of ten per cent, and he had found that, after the 1st of July, there would be no duty whatever imposed upon tea and coffee.

**Mr. BODWELL** said he had an amendment to move of which he had given notice. It appears that the hon. gentleman had a large surplus this year, amounting to more than three millions. The reduction of taxation proposed by the resolution amounted to \$1,209,166. The amount of duty collected on tea last year was \$1,157,315, and on coffee \$51,851, making together the sum he had stated. The remission of these duties, provided the revenue would continue the same as last year, would still leave a surplus of more than a million and a half of dollars. While he was gratified that the Finance Minister (Hon. Sir Francis Hincks) had been able to make a reduction in the taxation of the country, he thought the state of the finances would admit of a still greater reduction.

May 21, 1872

He proposed therefore to amend the resolution by inserting the word "rice" after "tea and coffee." The article of rice produced a revenue last year of \$54,000. That was quite a large item, but if the duty were repealed it would not seriously affect the surplus upon which the hon. gentleman calculated. The duty afforded no protection incidental or otherwise to manufactures in this country, while in addition to that consideration it was an impost upon a prime article of food consumed by the people. Rice was an article of luxury for the poor man; it entered largely into the consumption of the country, and he could see no reason for taxing it, when it could not be made to appear that the revenue derived from it was necessary, and the wants of the Government required that taxation should be imposed upon articles of utility in common use. It was certainly not a protective duty and could not be required in that sense.

**Hon. Sir FRANCIS HINCKS** said the hon. gentleman was mistaken in supposing that there would still be a large surplus after the tea and coffee duties were repealed. It was not to be expected that the enormous increase of revenue this year would be continued. He (Hon. Sir Francis Hincks) had calculated that, after taking off these duties, there would be a deficiency, though not a large one, next year, and, considering that Parliament would meet again in eight or nine months—some months before the close of the fiscal year—there would be time for the Government to reconsider the whole question of the tariff. He did not think, when they bore in mind the vast engagements which the country had undertaken, that it would be possible with safety to resist any further duties than he had proposed. It was quite impossible, at this late period of the session, to take into consideration the question of revising the tariff, and he thought this was a sufficient reason for not pressing any general reduction of taxation, especially when the Government was prepared to take so much off. He confessed that he was astonished at the proposition to repeal the duty on rice coming from so advanced a free trader as the hon. member for Oxford South (Mr. Bodwell). According to the school of economists with which that hon. member was in sympathy, rice, being an article which was not produced in the country, was one from which it was proper that a revenue should be raised. He (Hon. Sir Francis Hincks) was aware that the protectionists' theory was that it was articles of this description that should be admitted free, while taxes should be imposed upon those which entered into competition with our own productions.

The hon. gentleman, however, who professed to hold free trade doctrines, was now found to be going entirely beyond the Government, and he (Hon. Sir Francis Hincks) thought he had reason to be astonished, remembering the character of the hon. gentleman, that he should have come forward with this proposition. The amount of duty derived from rice was \$54,000, and he (Hon. Sir Francis Hincks) did not think the Government was in a position to dispense with that sum. It was doing uncommonly well in taking duties off tea and coffee, and he thought that the reduction of duties on rice and other articles might well wait the readjustment of the tariff which would be necessary next session.

**Hon. Mr. MACKENZIE** pointed out that it was one of the arguments of free traders in England that all duties upon breadstuffs, which constituted such a large part of the food of the people, should all be removed. The article of rice was in the nature of breadstuff. It entered largely into the consumption of the country and was essentially an article of food. Free traders had always been in favour of cheap food, and the hon. member for Oxford South (Mr. Bodwell) was not, therefore opposing a free trade doctrine, when he proposed to take this duty off.

**Mr. WORKMAN** thought the Government had already made as large reductions as the revenue could well afford. He confessed he would rather that rice had not been taxed at all; but considered that, as a million and a quarter had already been struck off, the House ought to be satisfied. He hoped the hon. member would withdraw the amendment.

**Hon. Sir FRANCIS HINCKS** presumed the hon. gentleman had accomplished his object in bringing his motion before the House and Government, and that he would now withdraw it.

**Hon. Mr. WOOD** before the amendment was withdrawn, would like to understand if the Finance Minister was taking the duties off tea and coffee because they were articles which were not produced in this country, or whether it was a matter of necessity, because they had been taken off in the United States. It seemed to him, notwithstanding all that had been said and written about the rival doctrines of free trade and protection, that the problem was not yet settled whether or no free trade as expounded in the light of the observation of the Minister of Finance, was a correct theory. It had been stated that the United States had surrounded themselves with a Chinese wall of protection and the alarm had been sounded that in that country they were on the eve of a great commercial crisis. It had been stated also that they had been ruined by the policy of protection; that their commerce had been destroyed and their ships driven from the sea.

**Mr. WORKMAN:** So they have.

**Hon. Mr. WOOD** could not see that there was an absolute loss, even although the foreign trade should have fallen off, when the domestic commerce of the country had so largely increased. He could not understand that the traffic which was carried on in ships was an indication of the wealth of the nation. As far as his knowledge enabled him to determine, the whole question of free trade and protection, as expounded by the Minister of Finance (Hon. Sir Francis Hincks) was a matter that had still to be solved. Why, what had they seen? They had seen France from free trade resorting to protection, and it had been stated that, under such stimulus, no country in the world had ever exhibited such recuperative powers after an exhausting struggle as that country. They had been told too, that in the United States the whole machinery of commerce was liable to a sudden collapse, because of the commercial system they had adopted; but in opposition to that statement it was seen that they were rapidly paying off their public debt, importing largely of the commodities of other countries,



extending their empire over this continent, and prospering in every direction.

Before he was prepared to receive, therefore, the theories of free traders, he thought it should be shown that the poor man would not receive benefit by taking the duties off those articles which were not produced in the country, and thereby affording what had been so much sneered at as the "incidental protection of our manufactures." (*Hear, hear.*)

**Hon. Sir FRANCIS HINCKS** reminded his hon. friend opposite that he had expounded no doctrines of free trade or protection at all.

**Hon. Mr. MACKENZIE:** You have given all that up.

**Hon. Sir FRANCIS HINCKS:** All he had stated was that free traders as a rule were in favour of levying duties on articles which were not produced in the country; while protectionists favoured the taxing of articles which entered into competition with those produced in the country. Then as to the question the hon. member had put, why these duties had been taken off by the government, he (**Hon. Sir Francis Hincks**) thought it was enough to decrease the taxation of the country as much as he had, without entering into the reasons for lessening the burden. (*Hear, hear.*)

**Hon. Mr. MILLS** said that, when the Finance Minister proposed the duty on rice, it was in the interest of parties in the country who owned mills for the preparation of barley, which they thought would be used as a substitute for rice. The object was to reduce the consumption of rice, and to bring barley into use in its stead. The hon. gentleman would see, therefore, that the principle of protection was involved in the duty.

**Hon. Sir FRANCIS HINCKS** could assure the hon. gentleman that he was mistaken. He (**Hon. Sir Francis Hincks**) was responsible for the duty on rice, having proposed it when the necessities of the country required all the revenue that could be raised. The only object the Government then had in view was to procure revenue, not to promote protection. He was not aware that there was any person interested in barley who desired a duty to be placed upon rice, nor did he think that the consumption would be materially affected by duty. The object the Government had in view at the time had been accomplished. A revenue was obtained from rice without bearing heavily upon the people; and he was not desirous that it should now be decreased.

**Mr. BODWELL** thought the Finance Minister had misapprehended what he had said. He had stated that rice was an article which entered largely into the food of the people; that to the poor man it was an article of luxury, one of the few luxuries in which he indulged, and that, therefore, it was not an article upon which there should be a heavy tax. As for what the hon. gentlemen had just said about his free-trade views, there was also a misapprehension. He (**Mr. Bodwell**) had always been in favour of raising the revenue in such a way as to affect incidental protection to the manufactures of the country, and certainly the taxation of rice had no effect in that direction. The duty of one cent per pound amounted to twenty-five or thirty per cent on the value of the

article, and there was none which could less afford to pay so high a revenue. (*Cries of "Question".*) He had no desire to press his motion to a division.

**Mr. GIBBS** hoped the hon. member would withdraw his motion after the explanation of the Finance Minister. When the question of revising the tariff came up in the future, that would be the proper time to deal with this matter, and at present the reason given by the Finance Minister ought to satisfy every one, whether he was favourable to the repeal of the duty or not.

**Mr. De COSMOS** said there was a point connected with this question which was of peculiar interest to the people on the Pacific coast. In the countries along that coast they had a large population whose food was composed chiefly of rice, and the imports of that article annually amounted to about thirteen million pounds. Now, in the public works which would soon be undertaken in British Columbia, Chinese labour would probably have to be employed instead of European, and it would be necessary to retain the present duty in order to reach a class of population that it was impossible to reach by the ordinary means of taxation. With respect to the statement that no additional taxation would be imposed this year, he was sorry for it, speaking from a British Columbia stand point. He had hoped that something would have been done for the agricultural interest of the Dominion; but, as the ministry had decided not to take up that question this year or impose any new duties on articles which now contributed no revenue, he was prepared to support the resolution in the hope that next session they would be able to propose some plan by which the agricultural interests would secure a fair share of protection like the other interests of the country. (*Hear, hear.*)

The amendment was then withdrawn, the resolution was adopted, and the committee rose.

**Hon. Sir FRANCIS HINCKS** introduced a bill founded on the resolutions, which was read a second time.

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## SUPPLY

**Hon. Sir FRANCIS HINCKS** moved the House into Committee of Supply.

[*Editor's note: The resolutions brought before the committee of Supply are printed in the Journals of the House. pp. 141-143.*]

The motion was carried, and the House went into committee, **Mr. STEPHENSON** in the chair.

On the items for offices of Assistant Receivers General,

**Hon. Sir FRANCIS HINCKS** explained the necessity for this new branch of the services.

**Mr. WORKMAN** objected that the remuneration allowed to the Montreal agency was not adequate to the responsibility.

May 21, 1872

**Mr. MACDONALD (Glengarry)** said that if the Finance Minister thought the amount sufficient, no doubt it was.

**Hon. Mr. DORION** thought that if the service could be performed at Montreal for \$5,000 that amount should be sufficient elsewhere.

**Hon. Sir FRANCIS HINCKS** said it was found undesirable to establish a separate agency of the Government in Montreal as was done in Toronto, and in the latter place the profit was derived from the Savings Bank branch, which was not the case in Montreal.

**Hon. Mr. ANGLIN** asked the reason of the large charge at Halifax—\$10,500—and also how the matter stood at St. John.

**Hon. Sir FRANCIS HINCKS** said that at Halifax, in addition to the Savings Bank, and the Assistant Receiver General, there was the office of Auditor. The only new vote was as respects the Savings Bank, which was a very important institution.

**Hon. Mr. ANGLIN** said there was also an Auditor at St. John.

**Hon. Mr. MACKENZIE** asked whether four thousand dollars was the amount required for the salary of the Savings Bank agent at Halifax.

**Hon. Mr. TUPPER** said there was no change in the expenses of the Savings Bank, which was formerly under Government control.

**Mr. JONES (Halifax)** said the point was that there was an increase of \$4,000, and it was desirable to know the cause of such increase.

**Hon. Sir FRANCIS HINCKS** said he would give full explanation on concurrence.

**Hon. Mr. MACKENZIE** referred to the charges for Manitoba and British Columbia, and thought them very large in proportion to the business that would be done.

**Hon. Sir FRANCIS HINCKS** said when British Columbia came into the union, the Savings Banks were in existence and had to be taken over. In Manitoba there was every prospect of a very satisfactory business.

**Hon. Mr. MACKENZIE** said that on concurrence there should be a statement of parties employed and their salaries.

**Hon. Sir FRANCIS HINCKS** agreed to furnish this.

On the item for the Department of Justice,

**Hon. Mr. MACKENZIE** asked the meaning of the increase in the salary of the senior second-class clerk. Either that gentleman must have been paid too little formerly, or he was receiving too much now.

**Hon. Sir FRANCIS HINCKS** said that the increase was because the Minister of Justice (Hon. Sir John A. Macdonald) had not previously a private secretary, and anyone who knew the gentleman in question knew him to be one of the hardest worked in the service. All the increases were under the operation of the Civil Service Act.

On the item for the Department of Militia and Defence,

**Hon. Mr. MACKENZIE** asked whether the increase was merely under the operation of the Civil Service Act.

**Hon. Sir GEORGE-É. CARTIER** replied in the affirmative.

On the item for the Finance Department,

**Hon. Mr. MACKENZIE** asked the meaning of the increase.

**Hon. Sir FRANCIS HINCKS** said there was an additional clerk in the Savings Bank branch, and the remainder was under the Civil Service Act.

On the item for the Post Office Department,

**Mr. YOUNG** asked the meaning of the increase.

**Hon. Sir FRANCIS HINCKS** said as new provinces came in the service had to be extended.

**Mr. YOUNG** thought the discrepancy between the revenue and expenditure was too great.

On the item for the Department of Agriculture,

**Hon. Mr. MACKENZIE** asked the meaning of the item of \$6,000 for re-organizing the Department.

**Hon. Sir FRANCIS HINCKS** explained that the Minister of Agriculture desired to make great changes in his Department, but the Government desired that he should not do so until authorized by Parliament.

**Hon. Mr. MACKENZIE** thought it was asking too much, and hoped the item would not pass without full explanation.

The item was allowed to stand.

On the Treasury Board item,

**Hon. Mr. MACKENZIE** said it was promised last year that there should be no double salaries.

**Hon. Sir FRANCIS HINCKS** said he did not remember the promise. The Treasury Board was organized under a specific act, and he did not see how the matter could be changed. The appointment was in existence when he took office.



Subsequently; on the **Hon. Mr. POPE** being present, the item for the Department of Agriculture was resumed.

**Hon. Mr. POPE** explained that the increase was necessary in order to come to a proper arrangement on the immigration and statistical branches.

**Hon. Mr. MACKENZIE** thought more explicit information ought to be given.

**Hon. Mr. POPE** said it was necessary that the matter of statistics should be taken up by the Dominion Government instead of being left to the different Provinces. The matter was most important, and he intended to introduce a system on the subject and carry it out as economically as possible. The change in the immigration branch was very necessary.

**Hon. Mr. MACKENZIE** said that for all this the amount asked was too little. He had pressed the importance of vital statistics on the Government before without effect.

**Hon. Mr. POPE** said he might ask for an additional vote on the supplementary estimates.

**Hon. Mr. MACKENZIE** said the matter could not be done without statutable authority. The system in Ontario was a good one, but there ought to be a uniform system of collecting vital statistics throughout the Dominion. In Quebec the system was not correct, and the same he believed to be the case in Nova Scotia. There ought to be a stated scheme in this matter, and he would give his utmost assistance.

**Hon. Sir JOHN A. MACDONALD** was sure the Minister of Agriculture was much obliged for the kind offer of the member for Lambton (Hon. Mr. Mackenzie). The Department had full power and right to collect the statistics in question under the British North American Act, as a matter of necessity to the well-being of the country.

**Hon. Mr. MACKENZIE** said there was no such power, and the hon. gentleman had previously admitted it.

**Hon. Sir JOHN A. MACDONALD** said that what he had previously maintained was that the Government had no power to collect the statistics through officers of the Local Government.

**Hon. Mr. CHAUVEAU** said that in Quebec there was the best material for vital statistics in the world.

**Hon. Mr. MACKENZIE** said he had considered that the Ontario plan was complete, not the statistics themselves. The Quebec system gave no particulars of the causes of death, and was therefore incomplete. The Dominion plan ought to be a complete one. Whether the hon. gentleman sneered or not he (Hon. Mr. Mackenzie) would do all he could to assist the matter.

**Hon. Sir JOHN A. MACDONALD** said that he was not aware he had used any offensive remark. He referred to the Act incorporating the Department of Agriculture, which gave full power for the object contemplated.

**Hon. Mr. MACKENZIE** said they did not want any such school boy explanations as that, and the hon. gentleman need not lose his temper. (*Laughter.*)

**Hon. Mr. CHAVEAU** said the member for Lambton (Hon. Mr. Mackenzie) had no temper to lose. (*Laughter.*)

**Hon. Mr. TUPPER** complained of the member for Lambton disparaging Nova Scotia in this matter. Ontario had copied the system of Nova Scotia.

**Hon. Mr. MACKENZIE** said he had termed Nova Scotia the best system.

**Hon. Mr. TUPPER** understood the hon. gentleman to term the system of Nova Scotia worthless; whereas, Nova Scotia had taken the lead in the matter, and had brought it up to a high state of perfection.

**Hon. Mr. MACKENZIE** said he had made no such statement; but he supposed the hon. gentleman was speaking for the benefit of some Nova Scotia friend in the House. He then referred to an account in the *Colonist*, which he termed the paper of the President of the Privy Council (Hon. Mr. Tupper) respecting his action in the committee on public accounts, and which he said was utterly incorrect.

**Hon. Mr. TUPPER** said he would ask the member for Lambton (Hon. Mr. Mackenzie) for his authority for calling this newspaper his (Hon. Mr. Tupper's.) He had not a shadow of foundation for such a statement. He (Hon. Mr. Tupper) never had one farthing's interest in the paper, and not a line of telegraphic information had been sent to it by him or with his knowledge. He was glad to have this opportunity of dealing with the matter. The statement in question was that the paper represented that the member for Lambton endeavoured to bring up matters before the Committee on Public Accounts in reference to business transactions between Nova Scotia and the Dominion which Nova Scotia herself had never brought, and to press on certain counties of that Province claims for money due to the Government, which the Government of Nova Scotia had never sought to press. When the subject was brought up in Committee, he (Hon. Mr. Tupper) stated that to his knowledge there was no correspondence on the subject, and there the matter ended. He had no more to do with what appeared in the paper than the hon. member for Lambton had.

**Mr. JONES (Halifax)** said the statement in question was a mere carrying out of a system of misrepresentation in the Lower Provinces now in force respecting the action of the member for Lambton (Hon. Mr. Mackenzie). An attempt was being made to convey to the people of Nova Scotia the impression that the Opposition desired to oppose every measure brought forward by the

May 21, 1872

Government in the interest of Nova Scotia. No one would bear out the statement of the President of the Privy Council, as to the statement he attributed to the member for Lambton respecting the statistical system of Nova Scotia. Although that system was not perfect, there was the foundation for a perfect system. The President of the Council (Hon. Mr. Tupper) was not correct in what he attributed to the member for Lambton in the Committee on Public Accounts.

**Hon. Mr. TUPPER** said the member for Lambton would not deny that he had brought up in committee claims for right of way which had been paid by the Government of Nova Scotia, and was a charge against the counties.

**Hon. Mr. MACKENZIE** said when he brought the matter up he knew nothing of the particulars of the matter, but had seen a statement of such a claim in a newspaper.

**Mr. JONES (Halifax)** said the President of the Council should have informed himself on the subject before stating that there was no correspondence on the subject. He (Mr. Jones) had papers in his pocket showing the action that had taken place on the subject. Hon. Mr. Tupper said he had merely stated that to his knowledge there was no such correspondence.

It being six o'clock, the House rose.

## AFTER RECESS

The House again went into Committee of Supply, **Mr. STEPHENSON** in the chair.

On the item of \$20,000 for the Administration of Justice in Manitoba, the North-west Territory, and British Columbia,

**Hon. Mr. MACKENZIE** asked for information as to the courts that had been organized.

**Hon. Sir GEORGE-É. CARTIER** said that Manitoba had passed an act organizing a court for that province, consisting of three judges, and the Minister of Justice was about to bring in a bill to fix their salaries.

On the item for the maintenance of Dominion police, \$25,000,

**Hon. Mr. MACKENZIE** objected that there was not now the same necessity that existed for the motion, for the maintenance of the peace should devolve on the Local Government.

**Hon. Sir GEORGE-É. CARTIER** said that since the cessation of Fenian raids the strength of the force had been diminished, but the force was still considered a necessity. There were some twelve or fourteen men employed about the Parliament Buildings, and others in different parts of the Dominion.

**Hon. Mr. MACKENZIE** asked whether any portion of the money was paid to parties beyond the frontier.

**Hon. Sir GEORGE-É. CARTIER:** No; he believed not.

**Hon. Mr. MACKENZIE** asked whether any one had been appointed to succeed Mr. McMicken, and in whose hands was the control of the force.

**Hon. Sir FRANCIS HINCKS** said the force was under the control of the Deputy Minister of Justice, but no successor had been appointed to Mr. McMicken.

On the item for observatories at Kingston, Toronto, &c,

**Mr. MILLS** asked whether any reports had been obtained from the parties in charge of the observatories.

**Hon. Mr. TUPPER** said this could be found on reference to the report of the Minister of Marine and Fisheries.

**Mr. JONES (Halifax)** desired again to press on the Government the necessity of a system of storm signals.

**Hon. Mr. TUPPER** said the Government intended to render the system as perfect as possible, and they had doubled the appropriation for that purpose. In view of the expression of opinion of the House, Government might carry the matter further than they intended.

**Mr. RYAN (Montreal West)** said that a system of storm signals would be of the greatest possible advantage to the commercial interests of the country.

**Mr. MILLS** inquired what kind of instruments were to be procured with the sum of \$10,000, and also where the Government proposed to establish the observatories.

**Hon. Mr. TUPPER** said it was the intention of the Government to establish stations at all the principal points in the Dominion, including Manitoba.

**Hon. Sir FRANCIS HINCKS** moved that the Committee rise and report progress.

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## GEOLOGICAL SURVEY

**Hon. Mr. HOWE** moved the third reading of the bill to make provision for the continuation and extension of the geological survey of Canada and for the maintenance of the Geological Museum.

**Hon. Sir JOHN A. MACDONALD** moved to recommit the bill, in order to amend it by providing that the salaries of officers employed on the survey should be submitted to Parliament.

The motion was carried, and the House being in Committee, the Bill was amended and reported. The Bill was then read a third time and passed.



## PACIFIC RAILWAY

The next order being the reception of the report of the Committee of the Whole on certain resolutions respecting the Canadian Pacific Railway.

1. *Resolved*, That it is expedient to provide that a Railway to be called the Canadian Pacific Railway be constructed in pursuance of and in conformity with the agreements made between the Dominion and the Province of British Columbia and embodied in the 146th section of the British North America Act, 1867.

2. *Resolved*, That such Railway shall extend from some point on or near Lake Nipissing to some point on the shore of the Pacific Ocean, the course and line thereof to be subject to the approval of the Governor in Council.

3. *Resolved*, That the whole line of such Railway be constructed and worked by one company, to be approved of and agreed with by the Governor in Council, and be commenced within two years and completed within ten years from the admission of British Columbia into the Dominion.

4. *Resolved*, That the Land Grant to such Company to secure the construction and working of the Railway, shall not exceed fifty million acres, in blocks of twenty miles in depth on each side of the line of the Railway in Manitoba, the North West Territories and British Columbia, alternating with blocks of like depth reserved for the Government of the Dominion, and to be sold by it, and the proceeds of such sale applied towards reimbursing to the Dominion the sums expended by it on the construction of the said Railway;—such lands to be granted from time to time as any portion of the Railway is completed, in proportion to the length, difficulty of construction and cost of such portion; and in Ontario such land grant to be subject to the arrangement which may be made on that behalf by the Government of the Dominion with the Government of that Province: Provided that if the total quantity of land in the alternate blocks to be so granted to the Company should be less than fifty million acres, then the Government may, in its discretion, grant to the company such additional quantity of land elsewhere as will make up, with such alternate blocks, a quantity not exceeding fifty million acres; and in the case of such additional grant, a quantity of land elsewhere equal to such additional grant shall be reserved and disposed of by the Government for the same purpose as the alternate blocks to be reserved as aforesaid by the Government on the line of the Railway.

5. *Resolved*, That the subsidy or aid in money to be granted to such Company, be such sum not exceeding thirty millions dollars in the whole as may be agreed upon between the Government and the Company; such subsidy to be granted from time to time by installments as any portion of the Railway is completed, in proportion to the length, difficulty of construction, and cost of such portion; the Company allowing the cost of the surveys of the line in 1871-72, as part of such subsidy;—and that the Governor in

Council be authorized to raise by loan such sum as may be required to pay such subsidy.

6. *Resolved*, That the gauge of the Railway be four feet eight inches and a half; and the grades materials and mode of construction such as the Government and Company shall agree upon.

7. *Resolved*, That the Government may make such agreement as aforesaid with any Company approved by the Governor in Council, and being incorporated with power to construct a Railway, on a line approved by him from Lake Nipissing to the Pacific Ocean;—or, that if there be two or more such Companies having power singly or together, to construct such Railway, they may unite as one Company, and such agreement may be made with the united Company,—or, that if there be no such Company with whom the Government deems it advisable to make such agreement and there be persons able and willing to form such Company, the Governor may by Charter incorporate them, and make such agreement with the Company so incorporated.

8. *Resolved*, That the Government may further agree with the Company with whom such agreement as aforesaid shall have been made, to construct and work a Branch line of Railway, from some point on the main line in Manitoba, to some point on the boundary line between that Province and the United States, to connect with a system of Railways in the said States,—and another Branch line from some point on the Main Line to some point on Lake Superior, in British Territory; and that such Branch Lines shall be deemed part of the said Canadian Pacific Railway, and a land grant in aid thereof may be made by the Government to such extent as may be agreed upon between the Government and the Company; not however to exceed twenty thousand acres per mile of the Branch Line in Manitoba, nor twenty-five thousand acres per mile of the Branch Line to Lake Superior.

On motion of the **Hon. Sir GEORGE-É. CARTIER**, seconded by the **Hon. Sir JOHN A. MACDONALD**,

Ordered, That the said Report be now re-committed to a Committee of the whole House for the purpose of making the following amendments in the Resolutions reported, that is to say:—

In Resolution 5, after the word “Company,” where it occurs the second time, insert the words—“such subsidy to be granted from time to time by installments, as any portion of the Railway is completed in proportion to the length, difficulty of construction and cost of such portion,”—and at the end of Resolution 8, insert the following words,—“not however to exceed twenty thousand acres per mile of the Branch Line in Manitoba, nor twenty-five thousand acres per mile of the Branch Line to Lake Superior.”

The House accordingly again resolved itself into the said Committee.

May 21, 1872

**Hon. Sir GEORGE-É. CARTIER** said he had no objection to accepting the suggestion made by the hon. member for Durham West (Hon. Mr. Blake) the other day, when the question was under direction, that the money subsidy payable to the company undertaking the construction of the railway should be paid in installments from time to time, in proportion to the length of the road constructed. The Government had also decided to accept another suggestion of the hon. member with regard to the land grant for the Manitoba and Nipigon branches, which did not form a necessary part of the railway to the Pacific. He (Hon. Sir George-É. Cartier) had stated on a former occasion that in making grants of lands for these branches, it was the intention of the Government to be guided by the quantity of land that would be given to the company building the main line. At the same time he had stated that perhaps a little larger quantity of land would be given with the branches than for the trunk line, owing to the difficulties of the country through which they would pass.

The Government moreover had no objection to placing a limitation upon the quantity to be granted as the hon. member for Durham West had suggested. He (Hon. Sir George-É. Cartier) proposed to restrict the quantity of land to be granted for the Manitoba branch to 20,000 acres per mile, and for the Nipigon branch to 25,000 acres per mile. He had prepared amendments in the sense of these suggestions, and he would therefore move to refer the resolutions again to Committee of the Whole, with instructions to amend by providing that the money subsidy should be paid in investments according as each portion of the Railway was completed, and that the land grants for the branches should not exceed the quantity he had stated.

**Hon. Mr. MACKENZIE** asked whether the Government undertook to bring in the line to the south west of Lake Nipissing.

**Hon. Sir GEORGE-É. CARTIER:** Yes.

**Hon. Mr. MACKENZIE** said it seemed to him a very poor beginning of a most gigantic undertaking. The Minister of Militia (Hon. Sir George-É. Cartier) told them on a previous occasion that the Governor in Council was a great institution, and it would be a great institution if power were given as was asked to charter a company and make any arrangements that might be considered fit within the terms of the Act with that company for the construction of the road. He objected to this plan on two or three grounds. One of the most serious objections in the matter of the Intercolonial was that the contracts were given out before the surveys were sufficiently complete. The Minister of Finance (Hon. Sir Francis Hincks) stated that the objection would not apply in this case, because the contractors would have to supply all the engineering and surveying work, and that the Government would only have to make the grant of money and land and employ an engineer to superintend the work, and see that it was carried out in accordance with the contract. No company, however, would tender without having the necessary information on which to base their offer without making a very large allowance for possible difficulties. The

Government could not be in a position within two years to lay down a route on the map, or state the grades or cuttings which would have to be encountered, or say how far removed the route would be from the course of navigation by which material and supplies could be obtained, for up to the present time they had not been able to ascertain the difficulties that would be met in the best part of the Lake Superior district or at the very beginning of the route.

Mr. Fleming's report stated that he apprehended serious engineering difficulty in bringing in the line to the south-west of Lake Nipissing; and yet the Government pledged themselves that the line should be brought in there. With the present lack of information it seemed to him suicidal to force on the work, and he thought the member for Grenville South (Mr. Shanly) would bear him out that there was nothing gained by having imperfect surveys either exploratory or otherwise; this was shewn in the case of the intercolonial, the completion of which has been seriously delayed instead of being promoted by the early letting of the contracts.

With regard to the scheme itself he still held the ground he took last year, that it was wrong to undertake the construction of the road within ten years, and he still believed it would be the best plan to commence the work near the American lines, which would afford them a winter line into Red River territory, while the Dawson Road would be available in summer. It would be a fatal mistake to force on this work while there was no particular object to be accomplished, and no population to be accommodated; although of course there was always an object in opening up the country, and no doubt this country was rich in mineral and agricultural wealth.

It would be unwise on principle to entrust the Government with power to charter a company, and to make any agreement they might choose with that Company for the amount of money of at least \$30,000,000, and an allowance of 50,000,000 acres of the public domain. It was essential that a contract should have the direct sanction of Parliament, and no company ought to be organized by the Government for the purpose of entering into a contract with itself for a gigantic enterprise. He regretted that the Government would not take the House into their confidence at the next session, as there could be no possible loss of time involved in doing so, and the House would then be enabled to give an excellent division on the subject. He hoped to obtain some favourable response from the Government to his views, and if not he should place an expression of his opinion on the journals of the House.

**Hon. Sir GEORGE-É. CARTIER** said that with regard to the money subsidy, the Government had no other alternative than to come before the House this session in order to carry out the covenant with British Columbia, and propose a scheme for the construction of the railway. The condition of union with British Columbia was that the road should be commenced in two and completed in ten years. It was not possible to have prepared a scheme last session, but the Government had done so this session; and the proposal that had been brought down was a comprehensive, a large, and a safe one. (*Hear, hear.*) He regarded it as not only



possible, but as a certainty that the whole work would be completed in ten years from Fort Garry west to the Pacific, and east to Lake Nipissing.

It was understood that Lake Nipissing would be the eastern terminus of the road, and in order to connect that point with the railway systems of Ontario and Quebec, there were now various companies seeking incorporation. The policy of the Government would be to favour the incorporation of all those companies with a view to facilitate as much as possible, not only the building of the Pacific Railway itself, but the necessary branches from Lake Nipissing towards Toronto on the one hand, and towards Ottawa on the other, along the north bank of the Ottawa River. The hon. member for Lambton (Hon. Mr. Mackenzie) had criticized this scheme of the Government, but he had offered no suggestion whatever which would so commend itself to the House as to compel its acceptance by the Government. If the proposal of the Government were defective, it would have been only for the hon. gentleman to have made such a suggestion, but he had failed altogether to do so, and therefore he thought it might be assumed that the scheme was one which challenged attack from hon. gentlemen opposite.

**Hon. Mr. MACKENZIE** said he had made suggestions. He had pointed out that instead of gaining time the Government would lose time by pursuing the course they proposed. He had stated that they should have procured a thorough exploratory and instrumental survey before making contracts for the construction of the road. He had showed that the system of proceeding with a great work of this kind without having an accurate knowledge of the topography of the country through which it was to pass, instead of being an advantage, was a very great disadvantage. He had pointed out, too, that the proper course to have pursued was to have proceeded with the easier portion of the work first, that between Fort Garry and the Rocky Mountain, leaving till a subsequent time the construction of the difficult part between Fort Garry and Lake Nipissing, in regard to which there was no necessity for immediate and hasty action; while in the meantime accurate information might be obtained respecting those parts of the country about which the Government and House knew as yet little or nothing. These were the suggestions he had thrown out; but it suited the hon. gentlemen opposite to ignore them.

**Hon. Sir GEORGE-É. CARTIER** said the Government would make no contracts for the construction of road at all, and therefore the suggestion of the hon. gentleman was not applicable. Then as to the survey, that which had been ordered by the Government was merely a preliminary survey. The Company with which an arrangement would be made would have to make at their expense a location survey, which would have to receive the approval of the Governor in Council before the work would be proceeded with. (*Hear, hear.*)

**Mr. YOUNG** said that when this railway was discussed last session he had described the proposal of the Government to build it

as a leap in the dark, and so he still regarded it. He believed that by forcing forward the work before all the necessary preparations had been made would increase the cost of it, at least 23 or 30 per cent. He had no expectation that in any case the line would be constructed for the subsidies proposed by the Government, and he was strongly inclined to think that the figures had been cut down to the lowest possible limit, in order that they might not alarm the people at the approaching election. He was satisfied that the money proposed to be spent upon the line was only a small part of the burden which the country would be ultimately called upon to bear in connection with this work. He believed, judging from the cost of the Intercolonial and the American Pacific Railway, that the cost would be enormously in excess of the amount stated by the Government, and after the election, if hon. gentlemen opposite still remained in power, they would be found coming down to propose a large increase of the subsidy to be paid to the Company.

Then as to the land grants, it would be a matter strongly to be objected to if the Company could act as the Canada Company had acted, and lock up the land until its value increased, and the Company could sell at high prices. He was opposed to the extraordinary powers which it was proposed to place in the hands of the Government according to the scheme. The door was opened for all kinds of corruption, and the Government might actually increase the subsidy payable to the Company without ever asking the consent of the House. In any event the Government would have power to make almost any arrangement it pleased with the company; a power which he contended should not be placed in the hands of any Government. He maintained that the reports so far received showed that there was a tract of country in the region of Lake Nipissing which was altogether impracticable for railway purposes, and also another tract west of the Rocky Mountains where it was impossible to find a practicable route. In the absence of any definite knowledge upon these important points, indeed in the absence of any trustworthy information, the Government proposed to rush blindly forward and commit the country to gigantic expenditures. The result could hardly fail to be disastrous, and he believed it would virtually put a mortgage upon every man's farm in the country. (*Hear, hear.*) There was nothing to prevent the company taking the money of the Government and leaving the railway unfinished, or when finished, the Company might in the end throw the whole cost of operating it upon the Government. He did not think the railway would pay working expenses for many years, if ever. The probability was that, after placing this enormous burden upon the people, it would still be a huge, unfinished, and useless undertaking, which could only entail embarrassment and loss upon the country.

**Mr. FERGUSON** said he had interrupted the previous speaker in his calculations because they were wrong. \$30,000,000 was to be given, and the member was wrong in saying that was \$10,000 per mile. The whole of the argument of the member for Waterloo South (Mr. Young) was that the road could not be built for the amount named. In one breath the hon. gentleman wanted the road built, and in the next he said it could not be built for the money. The

May 21, 1872

Government, however, said it could, and he (Mr. Ferguson) had full confidence in the argument. The money, whatever the amount, would be spent in this country, and could not be spent in a better way. If the Government should come back another season and ask a larger grant, they would be refused, but the present bill bound them not to go beyond a certain amount, and the hon. member's argument was only to prove that that amount was too small. The only question was, what security there would be for the grant made, and how it would be made?

**Hon. Sir GEORGE-É. CARTIER** said the loans would be granted from time to time in proportion to the work done, and the difficulties overcome. There was an amendment before the Speaker that the money should be granted in the proportion to the work done.

**Mr. FERGUSON** said that was quite satisfactory, and nothing more could be desired. The member for Waterloo South (Mr. Young) had stated that from the report of Mr. Fleming the road would cost \$8,000,000 a year, and he would like to hear an opinion from the Government on this point.

**Hon. Sir GEORGE-É. CARTIER** said this could be stated in the agreement. The Government would not give the land or money without security from the Company.

**Mr. FERGUSON** thought the explanation satisfactory. Whatever the annual outlay might be it must be expended in this country, and this should press with the House to support the proposition, for the outlay would be a great source of good to the country. The member for Waterloo South (Mr. Young) had made out the best case possible for the Government, and there could be no objection to the scheme.

**Mr. CUMBERLAND** said the logical conclusion to be arrived at by the members for Lambton (Hon. Mr. Mackenzie) and Waterloo South (Mr. Young) would be to vote down the resolutions. They said there was a bad beginning. The beginning had been right, good, and most effectual. Considering the time that had elapsed since the work was taken in hand, the men who had worked on the survey had shown themselves well up to their work, and would prove that they had made a good beginning to this great work. Then, again, the hon. gentlemen had spoken of the dangers incurred. Could no enterprise be infused into those gentlemen? If the interests of the country had been left to the hon. gentlemen opposite, Confederation would never have been accomplished; British Columbia would not have joined us, and the great work would be indefinitely postponed. He referred to the report of Mr. Fleming, showing how favourable the Canadian route was compared with the American lines in point of difficulties of construction. Hon. gentlemen opposite feared that the road would not pay for fifteen or twenty years. As to that doctrine, they ought not to consent to its being built. The difference in length between the two oceans, and the comparatively easy construction would give Canada the whole carrying trade.

He had tried to satisfy hon. gentlemen opposite for four years, but had hitherto failed, but he would yet plead with them to recognize that there was a great future for this country. The achievement of Confederation in such a quiet and successful manner was an achievement of which any one might be proud, and might be a lesson to induce hon. gentlemen at least to cease to be obstructive. Hon. gentlemen opposite formerly complained of extravagant estimates; now they said the amount asked was altogether too small, and yet it was not to be granted. That was strange logic. He had unfailing faith in the responsibility of the Government, and would rather take their view than that of an irresponsible gentleman. The Government were taking every wise course in allowing competing companies to form, and more wisely still in taking power to prevent any improper understanding and collision between the companies. The statement of the member for Lambton (Hon. Mr. Mackenzie) that it would take two years to decide the route was a strong argument that there should be no delay. The Government had been wide awake, but others had been so too, and the line of the country was well understood, and there was no reason to wait for a location of the line before giving contracts. He hoped the line would be commenced in many points at once, and not on the Pacific slope only, as suggested by the member for Lambton.

Were some gentlemen opposite afraid of the undertaking? Why should they fear? Was the area of the lands requiring development known? Canada had three and a half millions of square miles with a fine climate, minerals of untold wealth, fisheries of great value, and the country was scarcely yet lost with such possessions. He desired to strengthen the loitering spirits of the hon. gentlemen to bear the burden of this undertaking, and referred to the increased trade, the bank returns, the Savings Bank business, and the revenue, which latter shewed a sufficient surplus to pay the whole cost of the undertaking. He hoped he was not worrying the House, but he desired to inspire the hon. gentlemen with hope. If the growth had been so great in the past, why should it not continue? There were plenty who with him believed that today Canada was only on the threshold of a great future, and it belonged to every one to endeavour to sustain the financial credit of the country, and not to foul his own nest or question the bona fides of the country. He asked that all objections might be waived, and as they owed the present political structure to the present guiding hands, they would trust them to build up the material structure also.

**Hon. Mr. ANGLIN** said the member for Lambton had not objected to the work itself but to the mode. He (Hon. Mr. Anglin) believed Canada was not able to carry out the work. The United States had long contemplated their lines before undertaking them. Canada started from Lake Nipissing and had to build through a perfect wilderness for over 2,000 miles, and she might well hesitate before undertaking so enormous a work. If there were sufficient trade to maintain the road the



case would be different, but there was not. With the present information no comparison could be made between the United States and Canada lines as to difficulty of construction. The House was, however, bound to begin the line within two years and complete it within ten, and if that were possible it must be carried out, though he believed the cost would be very great. He believed they were bound to carry out their engagement but they were not bound to accept any proposal of the Government. The House was really asked to denude itself of its proper power in the matter. A perfect and complete scheme ought to be submitted, stating the character of the road in every particular, and they would then be told what proportion of land and money would be given for the work done. He believed there was no sufficient guarantee given that the work would be done for the grants asked. The work must be done, but he could not approve of the scheme proposed.

**Mr. McDONALD (Middlesex West)** said a road to the North-west had been the cry for years, and the question was how the country would be best served. At present it was impossible to keep emigrants in the country, in consequence of the attractions of the Western States. If the North-west was to be settled, it could only be done by this railway, and every day's delay was an injury to the country. As to the estimates, the American lines were being built with money subsidies and land grants. The grant proposed he considered ample. The cost would be under a hundred millions. He believed that the capital required was sufficient. What was wanted were substantial and energetic men, and with the grant there would be no danger of the line not being constructed. The contracts should be given as soon as possible if the grants were made in proportion to the work done, and immigration would rapidly follow the line. American lands were advertised throughout all Canada, and the Americans had agents in Canada to induce emigration to their lands.

He believed the line could be well constructed in the time named. The means were ample, and there were men in the Dominion thoroughly competent to carry out the work. The contracts should be given to one company, however large, and it would give confidence at home and abroad. He was glad the Government had grappled with the work, for it would be of immense benefit to the country, and would not increase the burdens of the people, and the labourers employed on the work would settle on the lands, and the population would rapidly increase.

The motion was then carried and the House went into committee, **Mr. MILLS** in the chair.

The amendments were adopted, and the committee rose.

**Mr. MACDONALD (Glengarry)** had previously in the case of the Intercolonial voted that the question of route should be left to

the Government, but he now regretted that vote, for the location was very generally disapproved. He was not prepared to repeat that mistake, and the location ought to be submitted to the House before the contract was given. Time would tell that the location of the Intercolonial was one of the greatest blunders ever committed. He moved, seconded by **Mr. SCATCHERD**, that the resolution be referred back to Committee of the Whole, with instructions to provide that the route to be adopted for the Pacific Railway, shall be subject to the approval of Parliament at the discretion of the Governor in Council the final determination of the location of a railway towards the building of which it is proposed to give thirty millions of the public funds and fifty million acres of the public land.

The members were called in and a vote taken on the amendment, which was rejected on the following division: —Yeas, 39; Nays, 83; majority for Government 44.

*(Division No. 11)*

**YEAS**

Members

Béchar	Blake
Bodwell	Bourassa
Cameron (Huron South)	Carmichael
Cheval	Cimon
Coupal	Delorme (Saint-Hyacinthe)
Dorion	Fournier
Kempt	Macdonald (Glengarry)
MacFarlane	Mackenzie
Magill	McConkey
McDougall (Renfrew South)	Mills
Morison (Victoria North)	Oliver
Pâquet	Pelletier
Pozner	Redford
Ross (Dundas)	Ross (Prince Edward)
Ross (Wellington Centre)	Rymal
Scatcherd	Stirton
Thompson (Haldimand)	Thompson (Ontario North)
Tremblay	White (Halton)
Whitehead	Wood
Young—39	

**NAYS**

Members

Abbott	Anglin
Barthe	Beaubien
Bellerose	Benoit
Bertrand	Blanchet
Bolton	Bowell
Brousseau	Cameron (Inverness)
Campbell	Carling
Carter	Cartier (Sir George-É.)
Cayley	Chauveau
Chipman	Coffin
Colby	Costigan
Cumberland	Currier
De Cosmos	Delorme (Provencher)
Dobbie	Drew
Ferguson	Fortin
Gaucher	Gaudet
Gendron	Gibbs
Gray	Grover
Hagar	Heath
Hineks (Sir Francis)	Houghton
Hurdon	Jackson
Keeler	Killam

May 21, 1872

Lacerte  
Lawson  
Macdonald (Sir John A.)  
McDonald (Middlesex West)  
Masson (Terrebonne)  
Merritt  
Morris  
Munroe  
Nelson  
Pope  
Renaud  
Ross (Victoria, N. S.)  
Schultz  
Smith (Selkirk)  
Stephenson  
Sylvain  
Tilley  
Wallace (Vancouver Island)  
White (Hastings East)  
Wright (Ottawa County)—83

Langevin  
Little  
McDonald (Lunenburg)  
Masson (Soulanges)  
McCallum  
Moffatt  
Morrison (Niagara)  
Nathan  
O'Connor  
Pouliot  
Ross (Champlain)  
Ryan (Montreal West)  
Simard  
Sproat  
Street  
Thompson (Cariboo)  
Tupper  
Walsh  
Willson

Blake  
Bourassa  
Cheval  
Coupal  
Dorion  
Hagar  
Macdonald (Glengarry)  
Mackenzie  
McConkey  
Mills  
Oliver  
Pelletier  
Redford  
Ross (Prince Edward)  
Rymal  
Stirton  
Thompson (Ontario North)  
Whitehead  
Young—39

Bodwell  
Carmichael  
Cimon  
Delorme (Saint-Hyacinthe)  
Fournier  
Kempt  
MacFarlane  
Magill  
McDougall (Renfrew South)  
Morison (Victoria North)  
Pâquet  
Pozer  
Ross (Dundas)  
Ross (Wellington Centre)  
Scatcherd  
Thompson (Haldimand)  
White (Halton)  
Wood

**Hon. Mr. MACKENZIE** said it was not his intention to take up much time in speaking of the motion he intended to move. If the speech of the hon. member for Algoma (Mr. Cumberland) called for an answer he would have answered it, but it had been taken up in the discussion of a matter which had nothing to do with the subject before the House. The hon. gentleman had stated the gentleman on his (Hon. Mr. Mackenzie's) side of the House had prophesied ruin and decay about this. Hon. gentlemen on that side believed that there was a bright future in store for the country if its affairs were properly administered; but they felt that a course might be pursued which would cause very serious embarrassment; that the legislation now proposed would probably have such a result he had no doubt. He (Mr. Cumberland) believed that his friends were entitled to credit on account of the scheme of Confederation. He was mistaken, for that originated in the opposition. (*Cries of "Oh, oh!"*) He (Hon. Mr. Mackenzie) proceeded to say that the powers proposed to be conferred upon the Government were extravagant and dangerous; that this House should delegate its authority in the matter to the ministry was a bad feature of the system of Government that had been introduced; and that the House would be practically abdicating its functions and committing to the Government of the day control over all questions such as it should hold in its own hand.

He moved in amendment to refer the resolutions back to Committee of the Whole with instructions to amend by providing that all proposed contracts before being entered into shall be submitted to and secure the approval of Parliament, and to expunge that portion which authorizes the Governor-in-Council to charter companies to construct the railway without the sanction of Parliament.

**Hon. Mr. DORION** seconded the amendment.

The members being called in the question was put, and the amendment was rejected on the following division: —Yeas, 39; Nays, 82. Majority for the Government, 43.

(Division No. 12)

## YEAS

### Members

Anglin

Béchar

## NAYS

### Members

Barthe  
Bellerose  
Bertrand  
Bolton  
Brousseau  
Campbell  
Carter  
Cayley  
Chipman  
Colby  
Cumberland  
De Cosmos  
Dobbie  
Ferguson  
Gaucher  
Gendron  
Gray  
Heath  
Houghton  
Jackson  
Killam  
Langevin  
Little  
McDonald (Lunenburg)  
Masson (Soulanges)  
McCallum  
Moffatt  
Morrison (Niagara)  
Nathan  
O'Connor  
Pouliot  
Ross (Champlain)  
Ryan (Montreal West)  
Simard  
Sproat  
Street  
Thompson (Cariboo)  
Tourangeau  
Tupper  
Walsh  
Willson

Beaubien  
Benoit  
Blanchet  
Bowell  
Cameron (Inverness)  
Carling  
Cartier (sir George-É.)  
Chauveau  
Coffin  
Costigan  
Currier  
Delorme (Provencher)  
Drew  
Fortin  
Gaudet  
Gibbs  
Grover  
Hincks (Sir Francis)  
Hurdon  
Keeler  
Lacerte  
Lawson  
Macdonald (Sir John A.)  
McDonald (Middlesex West)  
Masson (Terrebonne)  
Merritt  
Morris  
Munroe  
Nelson  
Pope  
Renaud  
Ross (Victoria, N.S.)  
Schultz  
Smith (Selkirk)  
Stephenson  
Sylvain  
Tilley  
Tremblay  
Wallace (Vancouver Island)  
White (Hastings East)  
Wright (Ottawa County)—82

**Mr. YOUNG** moved to refer back with instructions that no engagement shall prevent Parliament from dealing with that part of the lands not granted to the company in such manner as the public interest may from time to time come to require, so as not to leave in



the hands of the Government in Council the power of binding the country as to the cession of fifty million acres, an area equal nearly to six Provinces of the size of Manitoba.

**Mr. McDOUGALL (Renfrew South)** seconded the amendment.

**Hon. Mr. ANGLIN** said if the amendment were carried it would prevent the Company from realizing on its lands; and as the House had pledged itself that lands should be granted, he did not see that that pledge should be hampered by a provision which would practically make the lands of no value to the Company. (*Hear, hear.*)

The House divided upon the amendment which was lost:—Yeas, 30; Nays, 86; majority for the Government, 56.

(Division No. 13)

YEAS

Members

Béchar  
Bodwell  
Carmichael  
Coupal  
Dorion  
Kempt  
Mackenzie  
McDougall (Renfrew South)  
Morison (Victoria North)  
Pâquet  
Redford  
Rymal  
Stirton  
White (Halton)  
Wood

Blake  
Bourassa  
Cheval  
Delorme (Saint-Hyacinthe)  
Fournier  
Macdonald (Glengarry)  
McConkey  
Mills  
Oliver  
Pelletier  
Ross (Wellington Centre)  
Scatcherd  
Thompson (Ontario North)  
Whitehead  
Young—30

NAYS

Members

Anglin  
Beaubien  
Benoit

Barthe  
Bellerose  
Bertrand

Blanchet  
Bowell  
Cameron (Inverness)  
Carling  
Cartier (Sir George-É.)  
Chauveau  
Cimon  
Costigan  
Currier  
Delorme (Provencher)  
Drew  
Fortin  
Gaudet  
Gibbs  
Grover  
Heath  
Houghton  
Jackson  
Killam  
Langevin  
Little  
McDonald (Lunenburg)  
Masson (Soulanges)  
McCallum  
Moffatt  
Morrison (Niagara)  
Nathan  
O'Connor  
Pouliot  
Renaud  
Ross (Dundas)  
Ryan (Montreal West)  
Simard  
Sproat  
Street  
Thompson (Cariboo)  
Tourangeau  
Tupper  
Walsh  
Willson

Bolton  
Brousseau  
Campbell  
Carter  
Cayley  
Chipman  
Colby  
Cumberland  
De Cosmos  
Dobbie  
Ferguson  
Gaucher  
Gendron  
Gray  
Hagar  
Hincks (Sir Francis)  
Hurdon  
Keeler  
Lacerte  
Lawson  
Macdonald (Sir John A.)  
McDonald (Middlesex West)  
Masson (Terrebonne)  
Merritt  
Morris  
Munroe  
Nelson  
Pope  
Pozer  
Ross (Champlain)  
Ross (Prince Edward)  
Schultz  
Smith (Selkirk)  
Stephenson  
Sylvain  
Tilley  
Tremblay  
Wallace (Vancouver Island)  
White (Hastings East)  
Wright (Ottawa County)—86

**Hon. Mr. MACKENZIE** said there were other features of the measure which seemed to him to require a change, but he would take an opportunity at another stage to offer his amendments.

The resolutions were then concurred in, and the House adjourned at 12.30.

May 22, 1872

## HOUSE OF COMMONS

Wednesday, May 22, 1872

The **SPEAKER** took the chair at 3.25 p.m.

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*Prayers*

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After Routine,

## BILLS INTRODUCED

**Mr. SHANLY** introduced a bill to revive and amend an Act passed by the Legislature of the late Province of Canada, entitled "An Act to Incorporate the Gananoque and Bristol Navigation Company." The bill was read a first time.

**Mr. ROSS (Victoria)** introduced a bill to provide for the revival of the voters' lists for the House of Commons in a certain district in the County of Victoria. It was read a first time.

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## GRENVILLE CANAL

**Hon. Mr. LANGEVIN** presented a return to the address for copies of the tenders and other documents relating to repair and enlargement of the Grenville Canal.

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## THE NORTH WEST

**Mr. SMITH (Selkirk)** enquired whether it was the intention of the Government to introduce during the present session any measure to provide for placing American citizens residing within or entering into the Northwest territories on the same footing as regarded trading relations with the Indian population as that on which British subjects stood within the Indian territories of the United States.

**Hon. Sir GEORGE-É. CARTIER** replied that by the Northwest Territory Act the Governor in Council was authorized to make rules and regulations for the good government of that country, and the Government would be ready to consider any representation that might be made with regard to the prospect of issuing regulations in the sense the question of the hon. member indicated.

**Mr. SCHULTZ** enquired whether the present provisional battalion of active militia would be retained on duty at Manitoba; if so, for what period; and if the strength of the present force was to be increased by an addition of mounted riflemen.

**Hon. Sir GEORGE-É. CARTIER** replied that it was the intention of the Government to maintain the present garrison at Fort Garry for a year longer, till May next. The Government had no intention of increasing the force, but in case an increase should become necessary, the Government had considered a way by which reinforcements could be despatched within a very short period, a few days.

**Mr. SCHULTZ** enquired whether the Indian camping ground of 500 or 600 acres at Fort Garry was now the property of the Government, and if not, to whom and on what condition it had been granted.

**Hon. Sir GEORGE-É. CARTIER** said the Government did not know anything about the ownership of the land. At all events it did not belong to the Government.

**Mr. SCHULTZ** enquired whether it was the intention of the Government to introduce a bill which would grant to the old settlers of Manitoba land in the same proportion as already granted to the half-breed population of the Province.

**Hon. Sir JOHN A. MACDONALD** replied that this subject had on several occasions been brought before the attention of the Government by the hon. member for Selkirk (Mr. Smith). It was now under consideration, and would be determined in a few days.

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## QUEEN'S COUNSEL

**Mr. O'CONNOR** moved an address for the correspondence between the Government of the Province of Ontario and the Government of the Dominion relating to the right of appointing counsel for Her Majesty in that Province. He said the motion had a two-fold object, the first relating to matter of law, and the second pertaining particularly to matter of fact. During the course of last year, the question had been a good deal agitated as to whether the right of appointing Queen's Counsel belonged to the Dominion or to the Local Government of Ontario, and it was said that correspondence had at one time taken place upon the subject. Whether that had been so or not, and what the result of the correspondence had been, if any, he knew not. The matter seemed to have lain in abeyance for some time until a change of



Government had taken place in Ontario. Shortly afterwards, the new Government exercised the power of appointing a number of legal gentlemen to the position of Queen's Counsel. The correspondence, if there was any to be brought down, would show whether the right of appointing had been conceded to the Provincial Government by the Dominion Government or not; but, whether or not, the Provincial Government had assumed an authority and privilege which, in his opinion, it did not possess.

It seemed pretty clear, under the meaning of the British North America Act, that the Dominion Government alone had the right to exercise that privilege. If he read the Act correctly, the Governor General alone represented the Queen in this country. The Queen had a right to select her own counsel, and that selection could only be made by the Governor General. The Lieutenant-Governor was only an officer of the Dominion, and could not exercise a privilege of that kind. With regard to the second branch of the subject, in order to place it in a position to be understood, it was necessary that he give a short historical retrospect.

It would be recollected that in days gone by the Roman Catholics of Ontario, then Upper Canada, belonged to the Reform party of the day, and that they supported that Party in its struggles for Responsible Government, and in dealing with the various questions which then agitated the country. This continued till the formation of the Coalition of 1854. Up to 1850, the *Toronto Globe* newspaper, then edited by its proprietor, Mr. George Brown, had been the organ of the Reform Government of the day. In 1850, the Haldimand election occurred, in which the proprietor of the *Globe* was a candidate, but failed to be elected. For some reason or other which he (Mr. O'Connor) had never heard satisfactorily explained, but in regard to which he had heard many stories, Mr. Brown veered his course around; and, instead of remaining the mouthpiece of the Government, he became a most bitter opponent, and coalesced with, or rather became the organ of, a small party or clique, upon which he had himself conferred the name of Clear Grits.

During the time the *Globe* was the organ of the Reform Government, things went very smoothly, and there was no paper in the country that spoke more highly of the Catholics of the Province, or better of their creed. From 1850 forward, however, till 1864, when the same gentleman formed a Coalition himself with the two old corruptionists, John A. Macdonald and George-É. Cartier—(Laughter)—no terms were too bitter, no epithets too degrading, to apply to the Catholics of the country. Their religious practices were described in the most disgusting terms, and their religious institutions were pelted with epithets too coarse to be repeated here, while even their family and educational institutions were spoken of in language which would much better befit certain houses that he need scarcely mention. That went on till 1864, when the tone of the paper greatly changed. He had made reference to its files in the library, but could find none of an older date than 1856. He had taken that, and from it had culled a few extracts which, with the permission of the House, he would read in order to illustrate the animus of the paper at that time.

**Hon. Mr. MACKENZIE** desired to know what connection these extracts had with the subject of Queen's Counsel in Ontario.

**Mr. O'CONNOR** said he would tell the hon. gentleman at the right time.

**The SPEAKER** said he did not see that the hon. member's remarks on the extracts he proposed reading had any bearing upon the motion. He could not see that there was any apparent connection between them.

**Mr. O'CONNOR** said that before he got through Mr. Speaker and the House would see that there was a connection.

**The SPEAKER:** The hon. gentleman knew the rules and would be able doubtless to keep within them.

**Mr. O'CONNOR** then proceeded to read a number of extracts from the *Globe* of 1856, in which the Catholic hierarchy and priesthood were assailed in the most violent terms.

**The SPEAKER** [interrupting] said that these quotations were not pertaining to the question. (*Cries of Order.*)

**Mr. O'CONNOR:** It seems to me they are. (*Loud cries of Chair! Chair!*) I think I shall be able to show—(*Renewed cries and uproar.*) I undertake, Sir, in my place here to say that before sitting down I will be able to show that these extracts are pertinent. (*Cries of Order and Hear, hear.*)

**The SPEAKER** thought the hon. member should submit to the opinion of the chair at once. If he had any speech of his own to make on the question he should make it, but the reading of these quotations was not in order.

**Mr. O'CONNOR** was utterly unable to understand upon what ground that could be determined. (*Cries of chair.*) He was quite willing to submit to the ruling of the chair.

**Hon. Sir JOHN A. MACDONALD** thought his hon. friend was bound to accept the ruling of the chair. Mr. Speaker had stated that he could see no connection between the extracts and the appointment of Queen's Counsel. If there was any connection, the hon. gentleman would commence by stating the principle he intended to lay down, and then illustrating it by these extracts. He might be within the rules in reading the extracts, but he must first lay the basis for them.

**Mr. O'CONNOR** said that this would simply compel him to change the sequence of his argument, and to commence at the other end. (*Laughter.*) He then went on to say that about a year ago Mr. George Brown had written a letter, in which he had made overtures to certain Catholic gentlemen to bring them back into the Reform party. In that letter, which he regarded as a public document, allusions were made to time gone by, the very time to which these extracts referred; and reference was also made to a certain gentleman who had done a good deal to agitate the country against

May 22, 1872

the late Government of Ontario. Now, as that gentleman had written a letter in which he declared his belief, founding it upon correspondence which he said had passed between the late Premier of Ontario and the Premier of the Dominion, that a conspiracy had been entered into by which he and all other Catholics were prevented from being appointed Queen's Counsel in Ontario. When the change of Government took place a new batch of Queen's Counsels was appointed, but that gentleman, who lived in Hamilton, was not one of them. If correspondence had taken place between the two Premiers of the nature stated, the return would show it. Mr. George Brown, in his letter, did not refer to this point, but—

**Hon. Mr. DORION** [interrupting] rose to a question of order. There was no connection between this letter and the subject of the hon. gentleman's motion.

**Mr. O'CONNOR** maintained there was because the letter of the gentleman to whom he alluded asserted that a conspiracy had been entered into to prevent Catholics receiving appointments as Queen's Counsels, and that that conspiracy had been brought about by a written correspondence. He thought this fact would justify him in reading the extracts, in order to show to Catholics what had been said of them by men into whose ranks it was now sought to cajole them.

**Hon. Mr. WOOD** protested against the extracts, as being altogether irrelevant to the question.

**Mr. O'CONNOR** proceeded to read further extracts from the *Globe* of 1856, all of them using very virulent language towards the Catholic Church and Catholics generally.

After proceeding a short time he was again interrupted by a discussion as to the reading being in order, at the conclusion of which **The SPEAKER** ruled that the extracts were irrelevant to the question before the House and out of order.

**Mr. O'CONNOR** said he would tell the hon. gentlemen who were so jubilant about the extracts being stopped that they would hear of the matter again and perhaps in a more effective way. He had stated that a gentleman in Hamilton who was an Irish Roman Catholic and a barrister had complained during the administration of the member for Cornwall (**Hon. Mr. Macdonald**) as Premier of Ontario, that he believed there was a conspiracy between that gentleman and the Premier of the Dominion to prevent him and other Roman Catholics from being appointed Queen's Counsel. If this was the case the correspondence he had asked for would no doubt show it. This gentleman however, still adhered to the Grit party, and when his friends came into office a batch of Queen's Counsel was appointed, but his name did not appear nor did that of any Roman Catholic. Much younger men in the profession were appointed, although he admitted that they were of more than usual

good standing; and it therefore seemed to the gentleman in question that if there was a conspiracy formerly there must be the same conspiracy now. When the correspondence came down the facts of the case would be ascertained.

**Hon. Sir JOHN A. MACDONALD** said there had been no correspondence or communication whatever on the subject between the Governments of Canada and Ontario.

**Hon. Mr. BLAKE** objected to a discussion of the actions of the Local Government, but he thought it desirable that he should speak as to the reference made to a gentleman at Hamilton. That gentleman was his personal friend, and had been so for more than twenty years. They were at college together and had been friends ever since, and he could assure the House that the gentleman in question had made no complaint whatever on the subject.

He was, however, well aware that there was another gentleman of the same religion who had aspirations in the same direction—a gentleman whose eloquence and elegance of manner the House had experienced and who considered that he ought to have been made a Queen's Counsel; but he must confess that that gentleman's standing was not such as would justify his being so appointed. He was aware that the gentleman's practice was large and of a very varied character, and not confined to Canadian Courts, and that he was a United States as well as a Canadian lawyer; but he thought the gentleman had shown the House and the country that he (**Hon. Mr. Blake**) would have acted very imprudently had he recommended his appointment as a Queen's Counsel, although he had that day suffered very much for not recommending him.

**Mr. O'CONNOR** said the hon. gentleman had no foundation in fact for what he had asserted. He (**Mr. O'Connor**) had never directly or indirectly mentioned anything to him as to his desire for the position of Queen's Counsel. The hon. gentleman had no right to refer to him in those terms. He had never asked for any favour, and would never accept such a favour at his hands, even if it were offered. The hon. gentleman was also mistaken in stating that he practised in foreign courts. With the exception of one year he had always been a resident of Canada, and though he had once been admitted an honorary member of a foreign court, he had never practised, and therefore all the sarcasm the hon. gentleman had chosen to pour out was without foundation and utterly contemptible, and the hon. gentleman would not have referred to him in such terms were he not under the protection of the House.

The motion was then withdrawn.

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#### MISCELLANEOUS MOTIONS

**Hon. Mr. ANGLIN** moved an address for the correspondence respecting Shippegan Gully.—Carried.



**Mr. FOURNIER** moved for the translation and printing of the petition of P. Têtu and others, respecting Hon. Mr. Justice Bossé.  
—Carried.

**Mr. BODWELL** moved for a return showing the amount of mileage paid to each member of the Senate and the House of Commons for 1867 and 1868.—Carried.

**Hon. Mr. GRAY** moved an address for the correspondence relating to the trade relations between Canada and the West Indies.  
—Carried.

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### NEW BRUNSWICK SCHOOL LAW

The adjourned debate on Mr. Costigan's motion for an address to the Governor-General on the subject of the New Brunswick School Law.

That an humble Address be presented to His Excellency the Governor General representing that it is essential to the peace and prosperity of the Dominion of Canada that the several religions therein prevailing should be followed in perfect harmony by those professing them in accord with each other, and that every law passed either by this Parliament or by the Local Legislature disregarding the rights and usages tolerated by one of such religions is of a nature to destroy that harmony;—That the Local Legislature of New Brunswick in its last Session, in 1871, adopted a law respecting Common Schools forbidding the imparting of any religious education to pupils, and that prohibition is opposed to the sentiments of the entire population of the Dominion in general and to the religious convictions of the Roman Catholic population in particular;—That the Roman Catholics of New Brunswick cannot, without acting unconscientiously, send their children to schools established under the law in question and are yet compelled like the remainder of the population, to pay taxes to be devoted to the maintenance of those schools;—That the said law is unjust, and causes much uneasiness among the Roman Catholic population in general disseminated throughout the whole Dominion of Canada, and that such a state of affairs may prove the cause of disastrous results to all the Confederated Provinces;—and praying His Excellency in consequence at the earliest possible period to disallow the said New Brunswick School Law.

**Hon. Mr. GRAY** said he would endeavour to show the bearing of the question on the interests of the whole Dominion, and should endeavour to abstain from the expression of one sentiment that would call up a religious quarrel. He had been much pleased to observe the kindly feeling existing between the different religious parties of Ontario and Quebec, and he trusted to follow that example.

He desired in the first place to refer to the language used by the late Mr. McGee at the time of Confederation. That gentleman, when

addressing a public meeting at Montreal, said that the delegates might return to the different Provinces and say that the people of Canada were becoming more liberal in their views, and that religious bigotry was at a discount, and that every one's opinions were respected and every sect was allowed to manage its own affairs in its own way. He would ask the gentlemen from Ontario and Quebec to what they owed this fortunate position. They owed it to their Local Legislatures. If the state of things had been forced on them by coercion they would have resisted it, and he claimed, therefore, that it was only fair and just to leave the Local Legislature of New Brunswick to accomplish the same object, as it was only fair to assume that that Legislature was actuated by the same motives that influenced Ontario and Quebec.

It was most important that in all matters affecting local interests only, the Local Legislature should be the sole arbiter; and it was not for him or the House to determine the policy or impolicy of the law in question. The law had been six months in operation, and if it should be found injurious the Local Legislature had power to repeal or amend it. Was it not only fair to give New Brunswick the credit of desiring to legislate for the interest of the Province and the Dominion? The position of the matter in Ontario and Quebec had not been brought about immediately, for blood had flowed in the streets of Montreal and very bitter religious feeling existed before the system that produced so much harmony was adopted; and therefore had not New Brunswick a right to deal with the matter and to remedy any evil she might have produced? He did not desire to interfere with the religious sentiments of any one, for if there was any right which a man was entitled to exercise in his own way, it was the right to worship God in accordance with his own views.

In New Brunswick there was a large number of people who believed that the public schools ought to be carried on for the good of all sections and classes, without distinction or differences. With reference to religious belief, a large number believe it to be desirable to separate religious instructions from the secular altogether, and it did seem lessening the dignity and character of religion to teach it in the same way as a rule of arithmetic or grammar. It was not religion learned at school that controlled men in their after life but rather the lessons learned in their homes from mothers' lips, which, when they were about to forget all that was right and honourable, blazed up like a beacon light and warned them of their danger. While this was largely believed, there was no desire to interfere with tuition at private schools or Sunday schools, and when the people of New Brunswick, actuated by this feeling, passed the law in question after years of study, they said, "let us put the principle into force and try it, and if wrong it can be altered," and he asked that New Brunswick might not be deprived of the honour of remedying the wrong, if wrong had been done.

He was about to move an amendment which was based on the view that it was the constitutional right of the Province of New Brunswick to legislate on the subject of education, as the British North America Act in express language decided that such should be

May 22, 1872

the case. He could understand that if a Local Legislature should frame a decidedly immoral law or one decidedly injurious to the interests of the Dominion at large, it would then be the duty of the Dominion Parliament to interfere; but unless such were clearly shown Parliament had no right to interfere.

There was another point to be borne in mind. The New Brunswick Legislature sat for several sessions between the time of the Quebec resolutions and the operation of the British North America Act, during which time both the present Minister of Customs (Hon. Mr. Tilley) and the member for Gloucester (Hon. Mr. Anglin) were in office, and although the Legislature knew that the Act would contain a clause that any separate school system in operation at the time of Union should not afterwards be affected, it did not choose to pass any law organizing a system of separate schools. This was an important fact to be considered in connection with the matter, as it must be assumed that up to that time there was no expression of opinion to show the Legislature that such a system was desired by the people.

The amendment which he should move was as follows:—"That it is essential to the peace and prosperity of the Dominion of Canada that the constitutional rights of the several Provinces shall be in no way impaired by the action of this Parliament, that the law passed by the Local Legislature of New Brunswick respecting common schools is strictly within the limits of its constitutional power, and it is amenable to be repealed or altered by the Local Legislature should it prove injurious or unsatisfactory in its operation; that not having yet been in force for six months, and no injury to the interests of the Dominion having been shown to result there from, the House does not deem it proper to interfere with the Advice that may be tendered to His Excellency the Governor-General, by the responsible ministers of the Crown, respecting the New Brunswick school law."

He referred to the matter of the insolvent law and the act respecting a court of divorce, in both of which matters New Brunswick had not been justly dealt with; and now again, although the act was declared to be constitutional by the highest law authority of the country, Parliament was again about to interfere. If this were done, how were the advocates of Confederation to meet their constituents at the coming elections? They would be charged with being over-ruled by Canada and allowing the interests of New Brunswick to be trifled with, and he asked the friends of Confederation to pause before they gave reason for such a charge. He deprecated at the same time all appeal to religious feeling.

He then went on to state that the Legislature of Canada had no constitutional right to interfere, for there was nothing to show that the Act would be injurious to the Dominion. If, therefore, it was constitutional and had not operated disadvantageously to the interests of the Dominion, and if it was open to the Local Parliament to amend it, upon what principle could Parliament interfere? And it was for the interests of the Dominion that Parliament should pause before they created any feeling of

dissatisfaction and distrust and want of confidence in the minds of the people of the Lower Provinces with reference to their rights under the present constitution. The dissatisfaction that previously existed was now passing away, because the people believed that they were dealt with fairly and honourably; and although they knew their representatives were numerically small, they believed there was a principle of justice and fair play which would protect them. Did the House wish that that confidence should be destroyed? Confidence once destroyed was hard to be regained. New provinces were coming in and they might learn from the present action that there was no security that their rights would be preserved, and they might come to the conclusion that the step they had taken in entering the Union had been too hasty.

It was important that the question should have the most careful consideration. The old and the new laws were not so very different after all. The substantial charge was that under the one there was compulsory assessment and under the other voluntary assessment. Under the old law, on the application of freeholders to the trustees of schools, the latter were bound to call a meeting of the inhabitants of the district, and if a majority determined that they would have a school such decision was declared legal, and the assessment was made. The law provided that an assessment of thirty cents per head should be made on every individual for the maintenance and support of the schools. Further, there were certain privileges under the new law which did not formerly exist, as they had now the power to elect the trustees directly from the people.

He did not, however, think the question was one to be decided by the House, but he desired to show that it was a mistake to suppose that there was such a great difference between the two laws. If the latter was bad, the former was bad also. He then quoted the provisions of the two acts in reference to religious institutions; the old one enjoining on teachers the duty of inculcating the principles of Christianity, morality and justice, and the new act simply providing that the schools should be non-sectarian.

It being six o'clock, the House rose.

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## AFTER RECESS

### BILLS ADVANCED

**Hon. Mr. LANGEVIN** moved the reading of the bill from the Senate to amend the St. Francis and Mégantic Railway.—Carried.

The following private bills were then read a second time and passed through Committee of the Whole without amendment:—An Act to incorporate the Inland Marine Fire Insurance Company of Canada—**Mr. KIRKPATRICK**; An Act to incorporate the Bank of Acadia—**Mr. FORBES**; An Act to incorporate the Bank of



St. John—**Hon. Mr. TILLEY**; An Act to incorporate the Anchor Marine Insurance Company—**Mr. GIBBS**.

The last two were read a third time and passed.

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### NEW BRUNSWICK SCHOOL LAW

**Hon. Mr. GRAY** then resumed his speech on the New Brunswick school question. He said a question of this nature should be settled upon principle and not upon details. It might be that the construction placed upon the bill passed by the New Brunswick Legislature by the Board of Education of that Province was stronger than was intended. If that was the case a remedy could be easily applied, and the action of the Board could be cancelled if it had exceeded its power. That would be the proper course to pursue, instead of bringing the matter before this House and asking the Government to disallow the bill altogether.

He earnestly appealed to the House to consider carefully before acting in that way and interfering with legislation which was clearly within the constitutional right of the provincial Legislature. To do that would create distrust in the stability of our institutions and want of faith in the fairness of the general administration. The consequences might be very deplorable, and he trusted the House would agree with him as to the impropriety of taking so grave a step which might have such a disastrous result in future. He concluded by moving his amendment.

**Hon. Mr. CHAUVEAU** said that having devoted a great portion of his life to the solution of problems of this kind he could not remain silent. He would have preferred if the Catholics of New Brunswick had fallen back upon their own Legislature, and if the question had not been brought before this Parliament. It had, however, been brought up for consideration, and there were only two things for the House to do—to consider whether it had the power to do what was asked, and to determine whether the thing asked was right. The spirit of the constitution under which we had lived since Confederation was to maintain the status quo of the various religious ministers in the different Provinces. (*Hear, hear.*) The spirit of the constitution was not only that, but it was in favour of inviting still more liberal legislation on questions of this kind than existed at that time.

He agreed with the last speaker (**Hon. Mr. Gray**) that the House should not look too closely into details, but determine the question upon principle; and it was with that view that he desired to approach it. If the spirit of the constitution was as he had stated, and he read from the British North America Act to sustain this view of it, then it could not be affirmed that the legislation of New Brunswick, which declared that all schools should be non-sectarian, was in accordance with that spirit.

He maintained that the non-sectarian principle could not be successfully applied to any educational system where any portion of the population was Catholic. In Ontario where it had been tried under the most favourable circumstances, it had failed and it had also failed in Ireland, in Prussia, and wherever else it had been attempted. Non-sectarian education meant for Catholics no education at all, or a system which was utterly repugnant to their conscience and hostile to the Church to which they belonged. To enforce it, to make them contribute taxes to sustain it, would cause great dissatisfaction and a widespread feeling that they were wronged and foully dealt with. He admitted that for those who went in for State rights, and he was not the least of them, there was a weighty and formidable objection to the House interfering with provincial legislation. He admitted that to veto such legislation was to be avoided, if it could be avoided; but it was a question of two evils, either of allowing the minority in New Brunswick to suffer under a grievous wrong, or to apply such remedy as was within the power of the House to afford.

The Parliament of the Dominion had enough to do to legislate upon those great economic questions which affected all the Provinces alike. It had enough to do to deal with the various subjects which come more immediately within its jurisdictions, without being called upon to interfere with the action of the Local Legislatures. If the minority in New Brunswick were placed in the same position as that which was occupied by the minority in Quebec, and given the same rights as the majority in that province had cheerfully accorded to the Protestant minority, he was sure it would effectually banish from Parliament for the future questions which if they were allowed to continue open, would give rise to an unseemly, an unnecessary and dangerous agitation.

He moved in amendment that all after the word “that” in the motion be struck out and the following substituted, “an humble address be presented to Her Majesty praying that she will be pleased to cause an Act to be passed amending the British North America Act of 1867 in the sense in which this House believed it to be intended at the time of the passing of the said Act, by providing that every religious denomination in the Provinces of New Brunswick and Nova Scotia shall continue to possess all such rights, advantages and privileges. With regard to their schools as such denominations enjoyed in those Provinces at the time of the passing of the Act, and to the same extent as if such rights, advantages and privileges had been then duly established by law.”

**Hon. Mr. SMITH (Westmorland)** thought the question a serious one, as revoking a change of the constitution; and as the amendment to the amendment had been sprung on the House without notice, he hoped the courtesy would be extended to him and other members representing New Brunswick of adjourning the debate.

**Hon. Mr. CONNELL** agreed with the views of the member for Westmorland.

May 22, 1872

**Mr. BOLTON** also desired, considering the importance of the debate, that it should be adjourned.

**Hon. Mr. CHAUVEAU** said he had only moved an amendment to the amendment. He could have no objection to the adjournment if the hon. members who had made other motions had none.

**Mr. COSTIGAN** would not object to the adjournment if it was understood that it would not interfere with a vote being taken on the original motion.

**Hon. Mr. ANGLIN** suggested that as there were several other important bills which might very well occupy the attention of the House tonight, and as the present subject would be all the better for fuller consideration, that the debate stand as the first order of the day on Monday. He said the amendment of the hon. member for Quebec (Hon. Mr. Chauveau) did not coincide with the views he had expressed in his speech to the House; and if a declaratory act were passed by the Imperial Parliament embodying the suggestions contained in the hon. member's amendment, it would not place the Catholics of New Brunswick in any better position than they now occupied.

**Hon. Sir JOHN A. MACDONALD** said the request of the hon. member for Westmorland (Hon. Mr. Smith) appeared to be a reasonable one, but it was one that was altogether within the power of the House to grant or refuse. This matter was not a Government measure. (*Opposition, ironical cheers.*) This was not a Government day, and all the motions that were before the House upon the subject were in the hands of private members. It was a matter, therefore, that could be settled by the whole House. So far as he was concerned, the movers of the original motion and of the amendments being satisfied, he had no objection to an adjournment of the debate. He would point out, however, that it could not be resumed on Monday, if it was to receive the consideration the importance of the question demanded, for he knew that many members would be absent on that day. In order to give the subject full discussion and fair play, the debate ought to be fixed for Wednesday, and if the hon. member for Westmorland would move to that effect he would have the floor on that day.

**Hon. Mr. DORION** said it would take more than one night to discuss the question and would perhaps be as well to begin on Monday with the understanding that a vote would be taken on Wednesday.

**Hon. Sir GEORGE-É. CARTIER:** But many members will be away.

**Hon. Sir JOHN A. MACDONALD:** Yes, and they will want to hear the debate so as to know how to vote. (*Hear, hear.*)

**Hon. Mr. IRVINE** said that the delay might extend so far as to go beyond the period within which the New Brunswick Act might be disallowed by the Government.

**Hon. Sir JOHN A. MACDONALD** said there was no fear of that. There was ample time.

**Hon. Mr. CHAUVEAU** before the adjournment of the debate, wished to say a few words in reference to what had fallen from the hon. member for Gloucester (Hon. Mr. Anglin), whose complimentary allusion to himself he (Hon. Mr. Chauveau) acknowledged. The hon. member would find that, if his amendment were carried, the rights of the Catholics of New Brunswick would be safe, and that they would continue to enjoy all the privileges they possessed at the time of Confederation. He did not wish the remark of the hon. member to go to the country, pending the resumption of the debate, without a word of protest on his part.

The motion to adjourn the debate was then agreed to.

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### INTERCOLONIAL RAILWAY GAUGE

The further consideration of the proposed motion of **Mr. BODWELL** that the House should resolve itself into Committee of the Whole to consider a resolution declaring it desirable to adopt the four feet eight and a half inch gauge in the construction of the Intercolonial Railway, was resumed.

**Hon. Mr. TUPPER:** He said that the proposal to change the gauge of the Intercolonial would involve the country in a very large expenditure, and this would be to accomplish a very different object from that which he believed the House had in view. He would ask the House whether any person would propose to change the gauge of the Grand Trunk Railway. The desire of that Company to change its gauge did not arise in the least degree in consequence of the superiority of the narrow over the broad, but from the simple fact that in consequence of the narrow gauge being the American gauge, a change of gauge on the Grand Trunk Railway would facilitate intercourse between the railways on the other side of the line, so promoting the business and traffic of the country and the prosperity of the road. The smallest amount necessary to make the change now proposed was \$1,000,000 and the Government would have to provide for additional taxation to the amount, and instead of facilitating intercourse, it would simply give the Intercolonial a different gauge from any lying within two hundred miles of it. It would be just as reasonable if the Intercolonial were narrow gauge today to change it to the broad as it would be to change the Grand Trunk Railway from the broad to the narrow. Until a change was made in the Grand Trunk Railway and the Western Union, no more unfair or injudicious use of public money could be made than the present proposition would involve. The effect would be to realize the worst prediction of those who believed that the Intercolonial would not have a large traffic; and also to increase the cost of transportation and to do all the House could do to reduce the traffic of the Intercolonial to the smallest amount possible.

There was another point. A great necessity was felt in the city of Halifax and throughout Nova Scotia to open the railway from



Amherst to Truro, which would complete the connection between St. John and Halifax, and to open that portion of the Intercolonial, the mileage now required to connect the Southern and North American line with the city of Halifax. It would not be right that the House should pass a vote on this question without being informed that that road, which it was expected would be opened by the 1st September, and about which there was the greatest possible anxiety in Nova Scotia that it should be opened as early as possible, would not, if the resolution was carried, be opened during the year.

**Mr. SHANLY** believed that to make a change on the Intercolonial was beginning at the wrong end, and would postpone indefinitely a change of gauge on those railways where it was most important, namely, on the Grand Trunk Railway and other Western railways. In the earlier part of the debate, the member for Montreal Centre (Mr. Workman) had stated that the stock of some American lines had increased rapidly in value in consequence of a change of gauge from the broad to the narrow. He considered that a very strong argument why the Intercolonial should not be changed. He admitted that the wide gauge was the most inconvenient, and therefore it should be left at the portion of the railway system where the minimum amount of traffic would be met with. He could well understand that the cost of the change would be fully the amount estimated.

His view was, that unless they kept some portion of the system on the broad gauge and so enable it gradually to absorb the broad gauge stock, they would never bring about what he thought most desirable, viz: a change of gauge throughout the whole Dominion to the narrow gauge, because the cost was too great for the Grand Trunk and other lines to change their stock. He believed it would have been fortunate if no contracts for rolling stock for the Intercolonial had been given out, and if arrangements had been entered into to buy the stock of the Grand Trunk Railway and other broad gauge lines, and so enable those companies to build narrow gauge stock. The mere change of gauge was comparatively inexpensive, but the cost of building new stock was enormous.

It was no doubt a great mistake to adopt the broad gauge in the country at the first, but it would only perpetuate the mistake to adopt the narrow gauge on the Intercolonial. He hoped the House would view the matter in this way, for he believed that one of the greatest benefits that would result from the construction of the Intercolonial was that it would enable the adoption of the narrow gauge throughout the country.

**Mr. WORKMAN** said the arguments of the member for Grenville South (Mr. Shanly) had convinced him. He had been in favour of the narrow gauge for the Intercolonial at first, but could not press his views after the statements he had heard.

**Hon. Mr. ANGLIN** said he could not see that anything would be gained by making the change, and a large amount might be lost. The connections with the Intercolonial were all broad, and he could

not assume the responsibility of compelling the Government to change the gauge.

**Mr. JONES (Leeds North and Grenville North)** regretted that the question of the gauge had never been discussed by a scientific board of engineers. We could not place much reliance on the opinions of engineers who are self-styled civil engineers, but who never have been examined by a proper board, as was required in the Old Country, and as was required here in the legal, medical and other professions. The question of gauges had been in dispute and various views had been entertained, but the point in Europe, about which there was no difference, was that the four feet eight and a half inches gauge was, taken all in all, the best, and the Great Western Railway of England had been changed from seven feet to four feet eight and a half inches, experience having shown that a narrower gauge was better than a broad one. We were told now that it would cost a million of dollars to change the gauge of the Intercolonial, but he was not prepared to advocate the expenditure of this amount.

**Mr. McDONALD (Middlesex West)** said the best evidence had been adduced by the Minister of Public Works (Hon. Mr. Langevin) that it would cost a million of dollars to change the gauge. Now it could cost five times as much in five years. He maintained that now was the time to change the gauge. Another rail could be laid. It was a Government road and laying the third rail would entail no loss to the Government, for when the rails of the broad gauge wore out, the narrow gauge could then be used.

**Mr. CURRIER** said there was not a member in the House who did not believe that the gauge on the Intercolonial would eventually have to be changed, but he thought the proper time was to do it now and not let it go on, as it would only cost a million more if done at once but when the line was completed it would cost very much more.

**Mr. CUMBERLAND** said the nearness of the Canadian to the American system would ultimately necessitate a community of gauge and the whole area of the country in the course of, say, from twelve to fifteen or twenty years, would have its gauge changed. The highest locomotive authority in England had assured him (Mr. Cumberland) that there was no economy in the narrow gauge and that he had been able to produce cheaper results per ton on a wide than on a narrow gauge. The real, true and indisputable reason for our adopting the four feet eight and a half gauge was to bring us into railway communion with the United States, and not because anything more could be gained or that there was any greater advantage in the narrow than in the broader gauge.

**Mr. BODWELL** did not see how it could be that the change proposed would involve an expenditure of \$1,000,000. A very small extent of track had been laid, and there would be no additional expenses incurred in laying a narrow than a broad. The amount of rolling stock yet built was very small, while the engines were said

May 22, 1872

to be capable of use on the narrow gauge at a very small expense, and there could be no greater expense in building narrow than broad gauge stock.

The question of the rival gauges had been thoroughly investigated in England. In 1846 a commission enquired into the matter, and they decided that the narrow gauge was the better and most economical, and they recommended the narrow gauge to be adopted in future. He quoted the authority of English engineers on the subject to show that the narrow gauge was preferable both in the construction and working. He argued that a very great saving would be effected by the adoption of the narrow gauge, and said it was admitted by all that the change would have to be made ultimately. The Grand Trunk Railway were already making a commencement which would lead to a change throughout its extent, and he quoted the language of the President of the Grand Trunk Railway, and Captain Tyler to the effect that the broad gauge of the Intercolonial was little short of madness, and that the Pacific, the Grand Trunk Railway and the Intercolonial should be a uniform narrow gauge.

He believed that it would be advisable to put a third line on the Nova Scotia lines to accommodate a narrow gauge on the Intercolonial. The expense might be large, but it would be in the interests of the country, and the Government ought to grapple with the question at once.

**Mr. BOLTON** could not understand the reasoning adopted by some hon. members. We were now connected with the United States at Bangor, and the gauge would have to be changed at several points of connection with the United States. Surely if the gauge has to be changed as it will have to be, the time to do it was now, and to prepare for it at once.

**Hon. Mr. TUPPER** said if the change of gauge were altered now, there was no connecting American line within 200 miles of the Intercolonial. Doubtless one was intended to be built, as the hon. member for Charlotte (Mr. Bolton) had said, but it was hypothetical.

**Hon. Mr. MACKENZIE** said the entire theory on which the Intercolonial was built was that there should be an unbroken gauge between New York and Halifax.

**Hon. Mr. HOWE** said the Government went into the question at first with the greatest possible care, and they found that the Grand Trunk Railroad was in no position to change their gauge, and of course, the House would not sanction any assistance to them for that purpose. A change now would involve a great expenditure, and would be most inconvenient.

**Mr. CHIPMAN** would vote against the proposition because a change would involve an increased expenditure, and would delay the completion of the road, while the roads in connection were on the broad gauge principle, and great inconvenience would result if the Intercolonial were on the narrow gauge.

The members were then called in and the motion declared lost on the following division: —Yeas, 51; Nays, 88.

*(Division No. 14)*

**YEAS**

Members

Béchar	Blake
Bodwell	Bolton
Bowell	Burpee
Cameron (Huron South)	Carmichael
Cartwright	Cheval
Coupal	Currier
Delorme (Saint-Hyacinthe)	Dorion
Drew	Ferris
Fortier	Fournier
Geoffrion	Godin
Hagar	Jones (Halifax)
Kempt	Killam
McDonald (Middlesex West)	Mackenzie
Magill	McDougall (Renfrew South)
Mills	Oliver
Pâquet	Pelletier
Pickard	Pozer
Redford	Ross (Dundas)
Ross (Prince Edward)	Ross (Wellington Centre)
Rymal	Scatcherd
Snider	Stirton
Tremblay	Wallace (Albert)
Wells	White (Halton)
White (East Hastings)	Whitehead
Wood	Wright (York West)
Young—51	

**NAYS**

Members

Anglin	Archambault
Barthe	Beaty
Beaubien	Bellerose
Benoit	Bertrand
Blanchet	Bown
Brousseau	Cameron (Inverness)
Carling	Caron
Cartier (Sir George-E.)	Cayley
Chauveau	Chipman
Cimon	Coffin
Colby	Costigan
Cumberland	Daoust
De Cosmos	Dobbie
Forbes	Fortin
Gaucher	Gaudet
Gendron	Gibbs
Grant	Grover
Heath	Hincks (Sir Francis)
Houghton	Howe
Irvine	Jackson
Jones (Leeds North and Grenville North)	Keeler
Lacerte	Langevin
Langlois	Lapum
Little	Macdonald (Sir John A.)
Masson (Soulanges)	Masson (Terrebonne)
McDougall (Trois-Rivières)	McKeagney
Merritt	Moffatt



Morris	Morrison (Niagara)
Munroe	Nathan
Nelson	O'Connor
Perry	Pinsonneault
Pope	Pouliot
Ray	Renaud
Robitaille	Ross (Champlain)
Ross (Victoria, N. S.)	Ryan (King's, N. B.)
Ryan (Montreal West)	Shanly
Simard	Smith (Westmorland)
Sproat	Stephenson
Street	Sylvain
Thompson (Cariboo)	Tilley
Tourangeau	Tupper
Wallace (Vancouver Island)	Walsh
Webb	Willson
Workman	Wright (Ottawa County)—88

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## GENERAL ELECTIONS

**Hon. Mr. BLAKE** moved the second reading of the bill to provide for holding elections at any general election on one and the same day. He said the principle involved was not a new one, but had been considered by the House last session, when it was rejected by a narrow majority in a thin House. He hoped that a further consideration would lead the House to the conclusion that the bill would accomplish the object for which general elections were held, namely that the sense of the people might be taken in the freest manner, as to the choice of their representations and who should control the affairs of the country. There could be no doubt that holding elections on the same day was conducive to a free choice. The principle was already adopted in Nova Scotia and Ontario, and as the representatives of those Provinces formed a large proportion of the House, there was a decided expression of opinion on the subject. The Provinces of British Columbia and Manitoba and the district of Algoma were excepted from the operation of the bill, in consideration of the distance and the difficulties of communication, but this was a mere matter of detail and did not affect the principle involved.

The question was how could the freedom of the people's choice be best promoted. The present system gave to the Government of the day a very large advantage, and his bill would therefore, no doubt, be resisted until it was forced upon the Government by the strength of public opinion. He trusted that the attention of the members of the House, and of those who desired to become members would be attracted to the question, so that if the measure should not now be carried they might return with a clear understanding of the feeling of the country. There were many electors who were so undefined in party politics that they were generally inclined to vote on the winning side, and it was well known that great evils resulted from the system of two days' polling, for every one who had run an election knew that the most strenuous efforts were made to poll votes early in the day, and it was a known saying that "a vote before twelve was worth two after." If all elections were held on one day and the same day, the people would have a much better chance than now of freely

expressing their will, and the Government of the day would be deprived of the advantages they now possessed.

**Hon. Sir JOHN A. MACDONALD** said the hon. gentleman admitted very candidly in moving the reading that he did not expect that the bill would be carried. He (Hon. Sir John A. Macdonald) was opposed to the principle of the bill altogether. He thought it was un-British, and that it was an obstruction to the great principle which underlay the whole system of the qualification of voters and an obstruction to the proper exercise of the franchise. At the next Parliament he hoped to discuss this bill and point out to the satisfaction of the House the objections to the principles of the bill; but he objected to it now because it ought not to be introduced this session. The matter was settled last session for the express purpose of regulating the elections, and on that account he should oppose this and every other attempt to change the law regulating the ensuing elections. He moved that the bill be not now read a second time, but that it be read a second time six months hence.

**Mr. MILLS** thought the desire to secure freedom of election was sufficient support for the bill, so that the Government should have no undue advantage. If the argument of the First Minister (Hon. Sir John A. Macdonald) was correct, no two elections should take place on the same day, because the right of a voter in two districts would be interfered with. The hon. gentleman had recognized a different state of things in Canada from that in England in accepting the principle of the representation by population.

**Hon. Mr. BLAKE** said the only reasons for there being no argument, was that there was no argument against the bill. As the question of the matter being altogether settled last year, the hon. gentleman must have forgotten that he himself was to bring in a measure as to the elections in British Columbia and Manitoba. The next proposition was that it was un-British. It was hard to know what was un-British today and the phrase tomorrow had no meaning. The hon. gentleman objected that double votes could not be given. How many double votes were there? It was known that they were a mere drop in the bucket. They did not pretend to put forth perfect laws; but the objection as to double votes was without weight. Looking to the freedom of expression of the people, the bill ought to be read a second time.

The members were called in, and the motion that the bill be read a second time this day six months, was carried on the following division: —Yeas, 81; Nays, 51.

(Division No. 15)

## YEAS

## Members

Archambault  
Beaubien

Beaty  
Bellerose

May 22, 1872

Benoit	Bertrand
Blanchet	Bowell
Bown	Brousseau
Cameron (Inverness)	Carling
Caron	Cartier (Sir George-É.)
Cayley	Chauveau
Cimon	Colby
Costigan	Cumberland
Currier	Daoust
De Cosmos	Drew
Fortin	Gaucher
Gaudet	Gendron
Gibbs	Gray
Grover	Heath
Howe	Irvine
Jackson	Keeler
Killam	Kirkpatrick
Lacerte	Langevin
Langlois	Lapum
Little	Macdonald (Sir John A.)
McDonald (Lunenburg)	McDonald (Middlesex West)
Masson (Soulanges)	Masson (Terrebonne)
McKeagney	Merritt
Moffatt	Morris
Morrison (Niagara)	Munroe
Nathan	Nelson
O'Connor	Perry
Pinsonneault	Pope
Pouliot	Renaud
Robitaille	Ross (Champlain)
Ryan (King's, N. B.)	Ryan (Montreal West)
Shanly	Simard
Smith (Selkirk)	Sproat
Stephenson	Street
Sylvain	Thompson (Cariboo)
Tilley	Tourangeau
Tupper	Wallace (Vancouver Island)
Walsh	Webb
Willson—81	

## NAYS

Members	
Anglin	Barthe
Béchar	Blake
Bodwell	Bourassa
Burpee	Cameron (Huron South)
Carmichael	Cheval
Coffin	Coupal
Delorme (Saint-Hyacinthe)	Dorion
Ferris	Forbes
Fortier	Fournier
Geoffrion	Godin
Hagar	Jones (Halifax)
Jones (Leeds North and Grenville North)	Mackenzie
Magill	McDougall (Renfrew South)
Mills	Oliver
Pâquet	Pelletier
Pickard	Pozer
Ray	Redford
Ross (Dundas)	Ross (Prince Edward)
Ross (Victoria, N. S.)	Ross (Wellington Centre)
Rymal	Scatcherd
Smith (Westmorland)	Snider
Stirton	Tremblay
Wallace (Albert)	Wells
Whitehead	Wood
Workman	Wright (York West)
Young—51	

## THE SENATE

**Hon. Mr. BLAKE** moved the second reading of the bill securing the independence of the Senate. He said that he had proposed a measure of this kind last session, but the vote then taken was not a true test of the opinion of the House upon it. When he proposed that measure, he had endeavoured to point out that it was of extreme importance to this House that some step should be taken in the direction he suggested. The constitution of the Senate was not very satisfactory, and the dissatisfaction regarding it was he thought, increasing; but those who discussed that question a while ago upon the motion of the hon. member for Bothwell (Mr. Mills) pointed out some of the difficulties in the way of changing the present constitution of that body. It did appear to him (Hon. Mr. Blake) that all the arguments that applied to the necessity of preserving the independence of the House of Commons applied, and applied, a fortiori, to the Senate.

That body was not like the Commons, subject to an expression of the will of the people at fixed intervals. If in the absence of a law regulating the independence of this House, any member should accept an office of emolument under the Crown, his constituents, when a dissolution took place, would have an opportunity of rejecting him if they thought he had placed himself in a position incompatible with the proper discharge of the duties he owed to them. That security, however, had been found inadequate and by consequence, knowing their weakness and liability to err, knowing the difficulties that would arise from the absence of a more stringent law, the members of this House had passed a law recognizing the propriety of the seat of any member being at once vacated who should place himself in the position of accepting an office of emolument.

The Ministers, when they secured that law, thought it would sufficiently secure the independence of this House; but there had occurred, as there would occur whenever a breach of a well understood rule took place, a shocking example to the country, and his hon. friend, the member for St. John, was that example. (*Laughter.*) That example was so shocking indeed that Ministers themselves in passing the Act, to which he had referred, promised last session to bring down a bill by which they acknowledged that it was necessary to protect hon. members against the seductions of the Government, by making Ministers incapable of seducing, and by placing the law in a much more rigid state, and the House acknowledged its imperfections, acknowledged its liability, acknowledged the propriety of removing all chance of seductions, by passing the bill unanimously. That was the state of the law now with reference to the Commons; but with reference to the Senate, which had been established to a certain extent upon the representative principle with reference to the various provinces of the Dominion; which was managed upon the theory that there was a certain number of Senators to be chosen from each province in order that the interests of each province might be protected; which was constituted, so far as the Province of Quebec was concerned, upon a theory which still further recognized the principle of representation, the Senate which occupied the important place



theoretically in our constitution, which was responsible to the people and the country, but which was chosen by the Crown and the members of which being appointed for life were not subject to be punished by dismissal as the members of the Commons were, had no protection for independence in the same way that this House was protected.

The law so stood that a man who would not be allowed to take a seat in this House, or retain it while in the pay of the Government, might be sent to the Senate, and this was a flaw in the constitution which would allow Ministers to reward men who served them in the Commons by giving them offices of emolument and seats in the other branch of the Legislature if they were unable to convince their constituents that their acceptance of office was in the interests of the public. He mentioned the case of one member who had been so appointed and who, being a Senator, still drew pay from the Government, and he thought that practices of this kind cast a stigma upon the Senate to which it ought not to be subjected. He submitted, therefore, that a case had been made out by the action of the Government themselves which entitled the House to say that this was an evil that ought to be redressed.

**Hon. Sir JOHN A. MACDONALD** said the hon. gentleman had correctly stated that the Senators were responsible to the country and to the people. They were individually and collectively responsible, as was every man who held a position which imposed public duties upon him, but they were responsible in precisely the same way and to the same degree that the House of Lords was responsible to the people of England. The only difference between the House of Peers in England and the House of Peers in Canada, for the latter was also a House of Peers, was that in England the Peers transmitted their honours and responsibilities to their children, whereas ours did not, but as long as a peer lived his duties were precisely similar to those of a Senator in Canada, neither more nor less, and he (Hon. Sir John A. Macdonald) ventured to say that the doctrine the hon. gentleman had laid down in his attack upon the Senate was, to repeat what he had formerly stated, un-British as well as uncalled for. The hon. gentleman had said that great progress was making in England, and that what was British one day might be un-British next. Well it was not at all impossible that within the life time of the hon. member the same principle would be adopted in England that now prevailed in Canada, and that the peerage instead of being hereditary would be made a peerage for life. In that case the position of the Senate and the House of Lords would be precisely the same.

**Hon. Mr. BLAKE:** No.

**Hon. Sir JOHN A. MACDONALD:** The hon. gentleman had said "no," because he (Hon. Sir John A. Macdonald) presumed that the representative principle was to a certain extent acknowledged in those clauses of the British North America Act, which constituted the Senate. He would ask, however, whether that principle was not acknowledged also in the House of Lords, in regard to the Irish and

Scotch Peers; and in fact whether the three great divisions of the United Kingdom were not as much represented in the House of Lords as the Provinces of Canada were represented in the Senate.

The theory of our Constitution was this, that while this House was composed of men emanating directly from the people, representing the people, acting as the people, and forming the substitutes of the people; the other branch, the intermediate branch of the Legislature, neither emanated directly from the people, nor was responsible to them, nor was obliged to return to them for approval of their actions. The Senate stood in the same way as the House of Lords, between the Crown on the one hand and the Commons on the other. What would be said in England if it was proposed that the peerage should be deprived of any participation in the public service, except in the cases of the two, three, or four lords, who held seats in the Cabinet? (*Hear, hear.*)

Why in 1841, when the old provinces of Canada were united, the new administration commenced under Lord Sydenham, who was promoted to the peerage for his services as Governor, and who, while a peer, continued to perform his duties as Governor-General of Canada, drawing a salary for the office. He was succeeded by Lord Metcalfe, who earned his peerage by a long period of service under the Imperial Government, and whose duties as an officer of that Government did not end because he was made a peer. Was the peerage an unmeaning honour? Did it simply give a man the right to walk down the street, take his place at St. Stephens, and wear a coronet? Why the rank would be spurned if there were any such bar placed upon the usefulness of those upon whom it was conferred.

Here we found that the gentleman who now administered the Government in this country had recently been made a member of the House of Lords. Was it to be supposed that he was unfitted to perform his duties as Governor-General because he had been made a peer; and his successor, whose arrival was expected next month, was he not also a peer, but had that fact been regarded as preventing him from being employed in a position where he could be of public service? Again, had not the immediate predecessor of Lord Lisgar—Lord Monck—been made a peer because of the great work he had performed in Canada? And was he not at this very moment a salaried officer of the Imperial Government as one of the Commissioners of the Irish Church? He (Hon. Sir John A. Macdonald) might refer to many others—to Lord Clyde, to Lord Lawrence, and numerous others who adorned the House of Lords—who were recipients of the honours of the Crown, and who yet held offices of emolument conferred upon them by the Government; men who had won their honours in war or diplomacy, in colonial or political service, and who continued to perform the duties they had formerly performed, and for which they were paid, while they still held seats in the House of Lords. Was it to be said then that members of our House of Lords should be debarred from rendering useful service to the country? Was not their position precisely the same?

May 22, 1872

**Hon. Mr. BLAKE:** No. (*Opposition cries of "No, no."*)

**Hon. Sir JOHN A. MACDONALD** defied the hon. gentleman to show that there was any difference between them. The hon. gentleman could draw no distinction, and why should there be any distinction? Why should not the Senate be placed in this respect in as good a position as the House of Lords? Had there been any abuse of the power of appointing Senators to offices of trust and emolument? If a large number had been so appointed there might be a practical evil for the hon. gentlemen to endeavour to redress; but the evil must first exist before a necessity could arise for reform. (*Hear, hear.*)

He would ask the hon. gentleman even if any such evil existed in the remotest degree, why not leave to the Senate the obligation and duty of purifying itself? This House had not asked the Senate to originate any measure for the purpose of preventing any member of the House from holding office under the Crown, and he would venture to say that the House would look with great disfavour upon any measure which might be sent from that body ordering the House to change its system in that respect. (*Hear, hear.*) Why, then, should the House interfere with what was the duty of the Senate itself? There was no occasion for any such action, for the Senate was as pure, as independent, and as responsible a body as this House, and without any proof whatever that that body was unable to purify itself, if it needed purification; it was a wanton and causeless insult to the Senate to force a measure upon it which was founded upon mere theory, and which no basis of wrong to justify it as necessary. (*Cheers.*)

He wondered what reception the hon. gentleman thought this bill would receive at the hands of Senators, if it should pass this House and go there for their approval. Would it not elicit the strongest rebuke upon those who insulted them; and would not that rebuke be joined in by all without reference to party? (*Hear, hear.*) It would be far better, and might be of some public service, while it would certainly not embitter the relations between the two Houses, if the hon. gentleman, instead of making undeserved attacks upon the Senate, would confine his speeches and his efforts to the cure of corruption where it really existed. Let the gentleman devote himself to that, in future. If he should see Government agents, men employed by ministers and paid out of the public funds, sent through the country to bribe constituencies, let him set to work to cure that. (*Cheers.*) There was an opportunity for him to cure corruption. Let him go to the township of Broughton—or rather "Proton" was it not called (*Laughter*)—and see whether he would find there a Government official who had first been closeted with ministers, and then following up that closet into interview, who was going around from door to door among the people, and telling them that if they voted so-and-so the reduced valuation of their farms would be allowed. (*Cheers and laughter.*)

Let the hon. gentleman confine his attention to shameless examples of corruption of that kind, and he would probably be able to do some good, for he must know that the transaction to which he

(Hon. Sir John A. Macdonald) alluded had cast a stain upon and become a disgrace to the party of which the hon. gentleman was an honoured member, and all those hon. gentlemen who felt with the hon. member that there should be an absence of corruption, that there should be a purification of the representative system, should take care before they became solicitous about the purity of the elected, not to make any attacks upon the purity of the electors. These were practical evils which this House knew or had heard of, and in dealing with them the hon. gentleman would have the cheerful assistance of every member on that side, who would help him and wish him God speed in all his efforts to put down corruption of that kind.

In the meantime he would do well to leave the purification of the Senate to the Senate itself. The senators needed no efforts of the hon. gentlemen on their behalf. They were as pure a body, taking them man for man, they bore as high a character, their standing was as exalted, their independence as unquestionable, as any similar body in the world; and there was no branch of any legislature with which they would not bear favourable comparison. This attempt to introduce purity in theory, while there was no such evil to be corrected by the hon. gentlemen nearer home, would prove as nugatory as he might say it was audacious and insulting. (*Loud cheers.*) He (Hon. Sir John A. Macdonald) moved that the bill be read a second time that day six months.

**Hon. Mr. MACKENZIE** said when the hon. Gentleman failed in argument he resorted to slander. The statement he had referred to was an abominable falsehood, and the hon. gentleman knew it was not correct. (*Laughter.*) No Peer in England had been appointed to any analogous position to that to which the senator had been appointed; neither was the House of Lords at all an analogous body to the Senate. As to the Commons originating a bill respecting the Senate, it was quite in keeping with practice that such should be done, and it was necessary that such should be the case. In 1852-53 the Lower House originated a measure entirely changing the Constitution of the Upper House. The hon. gentleman had transgressed his own rule in defending the Senate, for could not the Senate defend themselves. (*Laughter.*)

The question was whether the Government could send their placemen to the Senate, when they could not keep them in the Lower House. The Intercolonial Act never contemplated that Commissioners should sit in the Senate, and the door should be shut against such appointments. The argument that in England placemen could hold seats was not correct, and then if it were it was not to govern them. Prevention was better than cure, and they were not to wait for evils before providing against them.

**Hon. Mr. HOWE** referred to the Senator in question as a man of the most incorruptible integrity, and he mentioned cases in England where persons had held Government positions, and asked whether the country should be deprived of the services of a gentleman simply because he sat in the Senate.



**Mr. JONES (Leeds North and Grenville North)** said the position in England was very different from that in Canada. Formerly there were numbers of office-holders in the House of Parliament, but they had been and were being diminished. The feeling throughout Ontario was that placemen should sit neither in the Senate nor the Commons. He should vote for the bill.

**Mr. FERGUSON** said if he had any proof of corruption the matter would be different, but such was not the case. The member for Lambton (Hon. Mr. Mackenzie) had taken the Minister of Justice (Hon. Sir John A. Macdonald) to task with respect to some expressions respecting the privity or impurity of the Ontario Government, and with reference to the matter referred to, had stated that no letters were written. He could say, with reference to the Proton outrage—and there never was a greater outrage on the rights of man—it was attempted and performed by the Government of Ontario. There was no shadow of doubt that Mr. Lewis, who he knew well, was telegraphed for by a member of the House to go to Proton to carry the votes against the consciences and principles of the voters. Instead of his going, however, to Mr. McKellar's room in the dead of the night, Mr. Lewis himself told him that Mr. McKellar went to him. He then referred to a note from the member for Durham West (Hon. Mr. Blake) to the member for Brant (Hon. Mr. Wood).

**Hon. Mr. WOOD** said there was not a word of truth in the matter.

**Mr. FERGUSON** said it was no use contradicting him, because the member for Durham West wrote to the member for Brant. "Speak now." There was never more corruption practised in so short a time than by that Government.

**Mr. MILLS** desired to show the difference between the Senate and the House of Lords. The difference in the social circumstances of the members of the two Houses destroyed all analogy between them. There was no analogy in the social positions of a nobleman worth say from £50,000 to £100,000 a year in the House of Peers in England, and a gentleman to whom it was a matter of consequence to go up to the Senate.

**Hon. Mr. BLAKE** replied. He was responsible for the position he had taken with reference to this matter, repugnant as it had been to his feelings to hear the accusations made against him. If it was expedient he could bring cases of Ministerial interference, and could show how gentlemen had in numerous cases prostituted their position by interfering in local elections and otherwise. He referred to the case last year brought against the President of the Privy Council (Hon. Mr. Tupper), and said that he at all events acknowledged that a Senator, in his opinion, could be corrupted.

**Hon. Mr. TUPPER** said that, after the undeserved attack made upon him by the member for Durham West (Hon. Mr. Blake), he hoped the House would listen to a few observations in reply: He

then referred to the circumstances of the case in question, stating the full details of the affair, and asking the House whether in all this there was anything that justified the member for Lambton (Hon. Mr. Mackenzie), in his zeal for party, attempting to strike down a gentleman to whom he could have no possible objection, except that he had come forward with straightforward and hearty support in building up Confederation. That was his crime; because he felt it his duty to give his public services in sustaining gentlemen on that side of the House, who had remained true to the great principle of building up the Confederation, he became the object of this unprovoked and undeserved attack.

He had stood as a public man for seventeen years. He had stood front to front with as fierce an opposition as ever a public man faced in the world; and if, in the seventeen years it could be shown that he had ever prostituted his public position for his own advantage, and if he had ever forgotten what was due to his position as a public man, it would require no vote of the House to induce him to retire into private life. He challenged his opposers to substantiate their slanders. It seemed that the men now holding the position of leaders of the Government of Ontario, who had stood up for four long years, pledging themselves to the principle of striking down coalitions, are building up pure party Governments, when they saw a chance of grasping office and position, and the question presented itself whether they should stand true to their principles and forego office, found the temptation too strong, and grasped office at the sacrifice of every principle they had held most dear. These gentlemen claimed the position of purists. Where did they get the idea that everyone else was corrupt? The result showed that it came from their own black hearts.

When the temptation came, and when they seized power that the people of Ontario licensed them at the polls, and when the question arose how the power which they had obtained by staining their reputation, and shewing that all their past professions were utterly worthless, should be maintained, what did they do? They committed those acts to which the First Minister (Hon. Sir John A. Macdonald) referred, and which had made them and their party a scandal throughout the Dominion. (*Cheers.*) It was known to the remotest end of the country that when a vacant seat had to be filled, the member for Durham West (Hon. Mr. Blake) got his partner, his relative, and the man who was in his confidence, to lend himself to one of the foulest and blackest acts of corruption that ever stained the reputation of a public man. (*Loud cheers.*) The member for Lambton (Hon. Mr. Mackenzie) had dared to call the statement of this transaction an "abominable falsehood."

He would ask him to read the report of his own packed committee in the columns of the *Globe*, and blacker and more damning evidence of corruption could not be found in any record in the world; and the member for Durham was implicated as closely as possible. It was proved most clearly by evidence, that they had broken down the administration by ventures of the most corrupt and disgraceful character to members of that administration, and the

May 22, 1872

member for Durham West could only save himself from a report, damning and ruinous to his character as a public man, by packing the committee, and ultimately when one member had to leave, stating that he would consider it a vote of want of confidence if a certain gentleman was put on the committee. Those were the measures to which the hon. gentlemen had to resort to save himself and his Government from a report of his own party, fastening upon him as in the case of the Proton scandal, one of the most disgraceful proceedings possible, and those were the gents who undertook to purify the Senate, and to assail the reputation of a body of men who were as deserving of the confidence and support of the country as anybody in the world. These were the gents who, in order to draw away attention from acts which had struck them down from the position they occupied a year ago, and which had blasted their characters and utterly ruined them in the estimation of every honourable man in the country, came down to the House with a measure respecting the purest body of men in the country.

He believed they misjudged Ontario, for he knew enough of the people of that Province to feel assured that they, in common with the people of the rest of the Dominion, from the Atlantic to the Pacific, would know how to estimate their professions when contrasted with their acts. He apologized for having detained the House so long; but he was sure that, under the circumstances, the House would feel that, having been arraigned by the member for Lambton (Hon. Mr. Mackenzie), and having been tried at the bar of the House, and having received a verdict that the charge was unmanly and undeserved, he had a right to speak. The member for Durham West must have felt that his case was weak indeed, when he had to assail a gentleman whose only crime was that, in a great crisis of his country, he had come forward and thrown himself into the great work of building up a magnificent Province. (*Loud cheers.*)

**Hon. Mr. BLAKE** desired to say that the statements of the President of the Privy Council (Hon. Mr. Tupper) with regard to himself were absolutely untrue.

A vote was then taken on **Hon. Sir JOHN A. MACDONALD'S** motion with the following result, Yeas, 77; Nays, 51.

(Division No. 16)

## YEAS

## Members

Archambault	Beaubien
Bellerose	Benoit
Bertrand	Blanchet
Bown	Brousseau
Cameron (Inverness)	Carling
Caron	Cartier (Sir George-É.)
Cayley	Chauveau

Chipman  
Coffin  
Costigan  
Daoust  
Drew  
Fortin  
Gaudet  
Gray  
Houghton  
Irvine  
Keeler  
Kirkpatrick  
Langevin  
Lapum  
McDonald (Lunenburg)  
Masson (Soulanges)  
McKeagney  
Morris  
Nathan  
O'Connor  
Pinsonneault  
Pouliot  
Robitaille  
Ross (Victoria, N. S.)  
Ryan (Montreal West)  
Simard  
Stephenson  
Sylvain  
Tilley  
Tupper  
Walsh  
Willson—77

Cimon  
Colby  
Cumberland  
Dobbie  
Ferguson  
Gaucher  
Gendron  
Grover  
Howe  
Jackson  
Killam  
Lacerte  
Langlois  
Macdonald (Sir John A.)  
McDonald (Middlesex West)  
Masson (Terrebonne)  
Moffatt  
Morrison (Niagara)  
Nelson  
Perry  
Pope  
Renaud  
Ross (Champlain)  
Ryan (King's, N. B.)  
Savary  
Sproat  
Street  
Thompson (Cariboo)  
Tourangeau  
Wallace (Vancouver Island)  
Webb

## NAYS

## Members

Anglin	Barthe
Béchar	Blake
Bodwell	Bourassa
Bowell	Cameron (Huron South)
Carmichael	Cheval
Coupal	Delorme (Saint-Hyacinthe)
Dorion	Ferris
Fortier	Fournier
Geoffrion	Gibbs
Godin	Hagar
Jones (Halifax)	Jones (Leeds North and Grenville North)
MacFarlane	Mackenzie
Magill	McDougall (Renfrew South)
Merritt	Mills
Munroe	Oliver
Pâquet	Pelletier
Pickard	Pozer
Redford	Ross (Prince Edward)
Ross (Wellington Centre)	Rymal
Scatcherd	Smith (Westmorland)
Snider	Stirton
Tremblay	Wallace (Albert)
Wells	White (Hastings East)
Whitehead	Wood
Workman	Wright (York West)
Young—51	

The House adjourned at one o'clock.





May 23, 1872

## HOUSE OF COMMONS

Thursday, May 23, 1872

The SPEAKER took the chair at 3.25

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*Prayers*

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## BILLS INTRODUCED

**Hon. Mr. TILLEY** introduced a bill to incorporate the St. John Board of Trade. The bill was read a first time.

**Mr. RYAN (Montreal West)** introduced a bill to incorporate the Canada Improvement Company. Read a first time.

**Mr. O'CONNOR** introduced a bill to incorporate the North-west Company. Read a first time.

**Mr. CARTWRIGHT** introduced a bill to incorporate the Lake Superior and Winnipeg Railway Company. Read a first time.

**Hon. Mr. ABBOTT** introduced a bill to incorporate the Accident Insurance Company of Canada. Read a first time.

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## THE WELLAND CANAL

**Hon. Mr. LANGEVIN** presented the return to the address for copies of the reports, &c., respecting the Welland Canal.

\* \* \*

## THE LUMBER TRADE

**Hon. Mr. McDOUGALL (Renfrew South)** moved an address for a return showing the tariff of fees under Cap. 46, Consolidated Statutes of Canada, now charged to lumbermen for supplying specification, &c.

He said that under this statute the Governor-in-Council had power to charge fees on lumbermen for supplying specifications, and had power to allow cullers certain fees for measuring lumber. Changes had been made from time to time in the traffic in these fees, and a year ago a change had been made, the exact nature of which he desired should be shown by this return.

At the same time he desired to explain to the House his reasons for thinking that this change in the tariff was unnecessary. He quite agreed with the principle that had been laid down that the receipts from the culling of timber should be made to equal the expenditure. He thought, however, that the Government might have reduced the receipts in such a way as to preserve the balance without imposing additional burdens upon the lumbermen.

Last year about 20,000,000 cubic feet of lumber had been taken to the Quebec market, and no less than fifty cullers had been employed to measure it. Now as one culler could measure at least 50,000 feet per day, he would be able in a season of one hundred days to measure 5,000,000 cubic feet, so that four cullers alone would be necessary to measure all the timber that had been taken into Quebec last year, the quantity being one-fourth greater than the usual amount. He was aware that the timber did not enter the market in equal quantities and on every day during the season.

At some periods there was a greater run than at others, so that to reduce the staff to four might cause a good deal of delay in measuring and getting out specifications. There was a very great difference, however, between four and fifty, and he thought a medium might be selected which would reduce the expenses and yet preserve the efficiency of the staff. The amount paid last year for the salaries of cullers and specification clerks was \$28,000, giving an average of \$435 to each culler who, under the rotation system, had about four "turns" in the season, occupying him not more than a fortnight altogether.

This pay was altogether disproportionate to the services performed, and he thought some other system might be devised which would secure the same amount of work at a much less cost. He thought that ten cullers would be quite enough to do all that was required in a satisfactory manner; but as he was not in favour of making too great a change at once, he would propose that the number be fixed at twenty.

In doing that, he did not think there would be any risk of decreasing the efficiency of the staff. He was also in favour of dispensing with the services of the specification clerks altogether, as he believed that they were quite useless. These changes would effect a great saving and enable the Government to make both ends meet without increasing the tariff of fees payable by the trade as had been done.

**Mr. SIMARD** said the present system of employing cullers by rotation was defective. It produced favouritism, and merchants were in the habit of waiting until the turn of the particular men they



wished to employ came round. The culling was not always done satisfactory in consequence, and our timber was depreciated in the European market. He favoured the adoption of the ballot with regard to the employment of these men, as a cure for the evil.

**Mr. CURRIER** agreed with the hon. member for Renfrew South (Hon. Mr. McDougall). He thought that four or five cullers would be sufficient to do all the work at Quebec. He favoured the abolition of the rotation system and the adoption of a proper system, the cullers to pass a board of examiners. He contended that the fees should be reduced one-half, leaving the cullers to take their chance. If they found that they could not make a living, they would go elsewhere. The present system was a great tax on the lumber trade, and he thought that some remedy should be found.

**Mr. SIMARD** said the plan of allowing merchants to select their own cullers had already been tried and had not been found to be satisfactory.

**Mr. CURRIER** thought the adoption of the ballot system would not meet the difficulty, as it would neither reduce the fees nor the number of the cullers.

**Hon. Mr. IRVINE** thought the whole system was bad. It was unreasonable, in his opinion, that a merchant who sold to a purchaser who was willing to accept his measurement should be compelled by law to have timber measured by a Government culler. There should also be some guarantee, if this system was to be continued, of the impartiality of the measurer. The system was all wrong and there were twice as many cullers of square timber at Quebec as were necessary. He thought the number should be reduced to the actual requirements of the trade.

**Hon. Mr. CHAUVEAU** did not agree with the last speaker. He defended the system now in force. It was better than any private system could be, and it was to a certain extent a guarantee that the article exported was what it was represented to be. He was in favour of a compulsory inspection.

**Hon. Mr. IRVINE** explained that he had not alluded to the compulsory. He would be satisfied if such a system were adopted.

**Mr. TOURANGEAU** favoured the reduction of the number of cullers to twenty. The aggregate earnings of the whole to be divided rateably among them.

**Hon. Mr. MORRIS** said the return asked for would be brought down without delay. The change in the tariff referred to had been made by the Government in January of last year, in consequence of the fact that the charges collected at the supervisor's office in Quebec, were not sufficient to meet the expenses. The increase was a slight one, being simply a reversion to the tariff of 1844, when timber was worth only about one quarter of its value in 1871. The result of making it was that, while in 1869 there had been a deficiency of about \$3,000, there was a surplus last year of \$1,700.

The other question to which the hon. member had referred was a larger one, and was surrounded with a good deal of difficulty. It was a question as between the continuance of the present and the adoption of the New Brunswick system. The rotation plan had been adopted in order to prevent private dealers selecting particular cullers for measuring their timber. The whole question was now engaging the attention of the Government.

**Hon. Mr. McDOUGALL (Renfrew South)** did not think it was advisable to throw the settlement of it over for another year.

**Mr. RYAN (Montreal West)** remarked that the compulsory system of inspection had greatly benefited the trade in leather and hides. Although the inspection of flour and ashes was not compulsory, it practically amounted to the same thing; for no merchant would deal in those articles if they had not been inspected. The result of the system was to greatly increase the value of the articles, and he thought it might be beneficially extended.

**Hon. Mr. IRVINE** agreed that a proper inspection system gave an additional value to articles inspected. With regard to cullers, the hands of the Minister of Inland Revenue should be strengthened in order to enable him to make a reduction.

**Mr. SIMARD** said the present mode of measuring lumber had been adopted with the consent of the lumbermen themselves, and if not satisfactory it might easily be altered.

The motion was then adopted.

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#### BAIE VERTE CANAL

**Mr. GRANT** moved address for a return of reports and estimates relating to Baie Verte Canal. He said the matter was a most important one, as it would be the means of shortening the route and facilitating trade with the West Indies. He had been looking into the matter, and he doubted whether there was a point anywhere in the Dominion presenting such physical peculiarities as that in question. In looking over the reports he found the statements very contradictory, and he desired to obtain from the Government any information they possessed. He did not desire to obstruct the construction, as it was most desirable that, if possible, the canal should be built.

The motion was carried.

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#### INTOXICATING LIQUORS

**Mr. SMITH (Selkirk)** moved an Address for correspondence respecting the introduction into the North-West Territory, by persons not being British subjects, of intoxicating liquors. He referred to the laws of the United States providing against such introduction in their own territory, and said it was well known that

May 23, 1872

the people of the States were able to trade largely with the Indians in arms and liquors. The Hudson's Bay Company had entirely prohibited such trading. This had operated most beneficially, and British subjects never trade with the Indians in such things, but the Americans did so to a large extent, and the evil might prove very great if something was not done to put a stop to this very unsatisfactory state of things.

**Hon. Sir GEORGE-É. CARTIER** said the Americans should not enjoy greater privileges than British subjects in trading with the Indians, and as the matter was very important, the papers would at once be brought down. The Government in Council, however, was empowered to regulate this subject, and any representation of the mover would receive all attention at the hands of the Government.

**Hon. Mr. MACKENZIE** asked what regulations were in force now.

**Hon. Sir GEORGE-É. CARTIER** said before the union of Manitoba there were regulations made by the Hudson Bay Company, but he did not know their nature. The mover himself, no doubt, knew more about the matter than anyone else.

**Hon. Sir FRANCIS HINCKS** said he thought the hon. member for Selkirk (Mr. Smith) had more papers than the Government.

**Hon. Sir GEORGE-É. CARTIER** repeated that any suggestion of the hon. member would receive full attention.

The motion was carried.

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#### CLAIMS OF MR. SCHULTZ

**Mr. DELORME (Provencher)** moved an address for claims made by John Schultz.

**Hon. Sir FRANCIS HINCKS** said all the information asked for was already before the Committee of Public Accounts; but, of course, there was no objection to the motion.

**Mr. MASSON (Soulanges)** said he had in his possession a statement of Mr. Schultz that he had made no claim on account of his imprisonment; but Mr. Johnson's report seemed to show that such was not the case. In fairness to the member, the question should be investigated. He himself had been expatriated, but the Government of England acknowledged themselves wrong and put him at liberty. During that time he had had to pay his own board, and had no redress.

**Mr. MASSON (Terrebonne)** thought it would be better to let the matter stand until it had been investigated by the Committee on Public Accounts; and until a report was received.

**Hon. Sir FRANCIS HINCKS** said, if the papers were sent down, the usual course would be to refer them to the Public Accounts Committee; but no papers would be sent down except those not yet submitted to the committee.

**Mr. SMITH (Selkirk)** hoped all the papers would be produced.

**Mr. SCHULTZ** said, with reference to what had appeared in the papers, it was a simple denial that he had made a demand for or received compensation for his imprisonment. The claim that was made included all his losses, from business and any other way. He was only too happy that all papers should be produced.

The motion was adopted.

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#### NAVIGATION

**Mr. CARTWRIGHT** moved the second reading of the bill for the better protection of navigable streams and rivers. It was admitted that great injury was done to the streams throughout the Dominion, and especially the Ottawa, from the great quantities of rubbish thrown into them.

The only difficulty alleged was that some hardship might be inflicted on the mill-owners. The whole bill was opposed by some because they maintained that the navigation of the Ottawa was not injured. He referred to the report of the Minister of Marine and Fisheries (Hon. Senator Mitchell), stating that great injury resulted to the fishing interests, and that the manufacturers declined to change their habits of throwing rubbish into the streams. No practical step had yet been taken.

It was said that the current of the Ottawa was so fast that the navigation was not affected, but if the matter was allowed to go on, the time would come when the navigation of the river would be difficult. But there were many streams other than the Ottawa, and it was very important that the measure should pass.

**Mr. CURRIER** said, last year the matter was delegated to a committee, but he did not know whether they had yet reported. If such was not the case the second reading should not pass. He maintained that the persons most interested were the lumber manufacturers. The navigation of the river had never been affected, and he hoped the bill would not be allowed to pass. He moved that the bill be read a second time this day six months.

**Hon. Mr. LANGEVIN** said the Government thought the matter of such importance that they appointed a Commission to enquire into the matter, and the Commission was so composed that all the particular classes interested were represented on it. The Commission had sat for some time, but the object was such that a report could not be made without lapse of time, and they would not be able to report before the end of the year.



Under these circumstances the Government had not thought fit to bring in a measure to remedy an evil, which was, no doubt, a very great evil, for the navigation of some rivers had been seriously affected. Last year he had impressed on the mill owners the necessity of at once ceasing to throw slabs and edgings into the river, and he believed that that advice had been acted on; but they represented that the effect of not throwing their sawdust into streams would be to force them to shut down their mills. The whole matter, however, would be considered by the Commission, and the Government would then be able to deal with the matter. He hoped, therefore, that the mover would allow the measure to stand till next session.

**Mr. BOWELL** said the speech of the member for Ottawa (Mr. Currier) would tend to show that the Ottawa was the only stream affected. There were, however, many other cases in which the greatest possible inconvenience was caused by rubbish being thrown into rivers. He was glad the Government were taking the matter up, and there might be some understanding between the member for Lennox (Mr. Cartwright) and the Government to delay the bill until the Commissioners had reported. If the Government afterwards refused to deal with the question it could again be pressed.

**Mr. CARTWRIGHT** would not press a division after the statement of the Minister of Public Works (Hon. Mr. Langevin). The Minister of Marine (Hon. Senator Mitchell), however, had pointed out the great evil of the matter. It should not be delayed longer than possible.

**Mr. WHITE (Halton)** said that the western rivers suffered severely from the refuse of saw mills. He held that it was a mere excuse to say that the saw mills on the Ottawa must throw sawdust in the river. They could very easily dispose of it by burning. The Government seemed to favour the Ottawa more than any other river.

**Hon. Sir FRANCIS HINCKS** denied the latter part of the statement.

**Mr. JOHN WHITE (Halton)** repeated it.

**Hon. Sir FRANCIS HINCKS** said the Government had not a different policy with regard to the Ottawa as distinguished from other streams. The whole matter was under consideration, and the Government undertook to deal with it as soon as they were in a position to do so.

The amendment was then withdrawn, and the order for the second reading discharged. It being six o'clock the House rose.

## AFTER RECESS

### RAILWAY BILL

**Mr. BAKER** moved the first reading of the bill from the Senate to amend the St. Francis and Mégantic Railway Act.—Carried.

## DUAL REPRESENTATION

**Mr. MILLS** moved the second reading of the bill to render members of the Legislative Councils and Legislative Assemblies of the Provinces now included, or which may hereafter be included within the Dominion of Canada, ineligible for sitting or voting in the House of Commons of Canada. He said there could be no doubt about the necessity of the measure he proposed.

It had been objected that no mischief had arisen because of the position in which the law stood at present; but if there were theoretical defects it was advisable to remedy them. It was a theoretical more than a practical grievance that had lost Great Britain the thirteen colonies. The idea of self-government was firmly rooted in the colonial breast, and it was not a sufficient answer to complaints to say that we were bound to follow precedents established in the old country.

Practical politicians on the other side of the House had spoken of the necessity of harmony between the federal and local Governments; but there could hardly be complete harmony while dual representation continued. There were many inconveniences connected with that system; among them being the embarrassments which arose from the simultaneous sitting of the General and the Provincial Legislatures.

He alluded to the arbitration case, in reference to the Province of Quebec, as a matter in respect to which great mischief might follow from the presence of members of the Government of that Province in this House. He argued that dual representation was dangerous. While the veto power remained in the hands of the Dominion Government there was no security for local governments, except by separating as far as it was possible to do so, the functions of the Provincial Legislatures from those discharged by the Dominion Parliament.

It had been argued that to prohibit dual representation would be an interference with the freedom of the people. So it might be said with regard to the appointment of judges and sheriffs. Parliament, in fact, was interfering with the freedom of the people every day; but he did not say that the interference was hurtful in every case. It might be that the interests of the people were served by what seemed to be an interference with their freedom.

He did not think that what he proposed could be regarded as a restriction of their liberty in any injurious sense. After all that had been seen in the House; after seeing the Premier (Hon. Sir John A. Macdonald) himself, as well as other members, dragging into the discussion of this House the local politics of the provinces, he thought the time had come for abolishing that system of double representation which had produced such pernicious results.

**Mr. BELLEROSE** in French, argued that the people were the best judges of whether they should be represented in both legislatures by the same person or not. To them the question should be referred. To say that they should not be allowed to elect whom they pleased was an improper restriction of their liberties. He

May 23, 1872

moved in amendment, seconded by **Mr. MASSON (Terrebonne)**, that the bill be read a second time that day three months.

The members were called in. Upon the question being put the amendment was carried upon the following division: —Yeas, 73; Nays, 55.

*(Division No. 17)*

**YEAS**

Members

Baker	Bellerose
Bertrand	Bowell
Bown	Cameron (Inverness)
Campbell	Carling
Caron	Cartier (Sir George-É.)
Cayley	Chauveau
Coffin	Colby
Costigan	De Cosmos
Dobbie	Drew
Dugas	Fortin
Gaudet	Gendron
Gibbs	Grover
Heath	Hincks (Sir Francis)
Houghton	Hurdon
Jackson	Keeler
Lacerte	Langevin
Langlois	Lapum
Lawson	Little
Macdonald (Sir John A.)	McDonald (Lunenburg)
McDonald (Middlesex West)	Masson (Soulanges)
Masson (Terrebonne)	McDougall (Trois-Rivières)
McMillan	Merritt
Moffatt	Morris
Morrison (Niagara)	Munroe
Nathan	Nelson
O'Connor	Perry
Pinsonneault	Pope
Ray	Renaud
Robitaille	Ross (Champlain)
Ryan (Montreal West)	Shanly
Simard	Sproat
Stephenson	Street
Sylvain	Thompson (Ontario North)
Tilley	Tourangeau
Tupper	Walsh
Webb	White (Hastings East)
Willson-73	

**NAYS**

Members

Anglin	Barthe
Béchar	Blake
Bodwell	Bolton
Bourassa	Bowman
Burpee	Cameron (Huron South)
Carmichael	Cartwright
Cheval	Connell
Coupal	Delorme (Saint-Hyacinthe)
Ferris	Fortier
Fournier	Geoffrion
Godin	Hagar
Jones (Halifax)	Kempt
Killam	Kirkpatrick

Mackenzie	Magill
McDougall (Renfrew South)	McMonies
Mills	Oliver
Pelletier	Pickard
Power	Pozer
Redford	Ross (Dundas)
Ross (Prince Edward)	Ross (Wellington Centre)
Rymal	Scatherd
Shultz	Smith (Westmorland)
Snider	Stirton
Thompson (Ontario North)	Tremblay
Wallace (Albert)	Wells
White (Halton)	Whitehead
Wood	Wright (York West)
Young-55	

The bill was withdrawn, to be read a second time in three months.

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**CONTROVERTED ELECTIONS**

**Hon. Mr. BLAKE** moved the second reading of the bill to provide for the trials of controverted elections before judges, and for the prevention of corrupt practices at elections for the House of Commons.

He said the House was aware of the object of the measure. Many members having taken an interest, as was but natural, in the recent local elections, were aware that the measure had been approved of with reference to several of the Provinces. Three of the Provinces had election laws which embraced provisions for trials before the Judge of controverted elections, the Provinces of New Brunswick, British Columbia, and Ontario. These three Provinces comprised, with reference to the new representation in this House, 110 members out of the total number of about 200, of which the House would be composed.

It would thus be seen that, in a majority of the constituencies, as far as the voice of the people could be expressed on a subject of this description through the Local legislatures, the principle of trying controverted elections before Judges had been appointed. He believed it was perfectly legitimate to advert that, as an argument for the passage of this bill, the reason that all the principles which could by any possibility apply to the measure in one Legislature must, ex necessitate, apply in the other Legislatures.

If there was a well manifested expression of popular opinion in the one Legislature it followed that that opinion should apply and have the same force in the other. He would endeavour before he sat down to show that it applied in multo fortiori with reference to the Legislature of the Dominion. The fact that this law had been adopted in England was not immaterial, nor was it immaterial that the result there had not been at all unsatisfactory. He held that in matters of election this House was bound to look to the views of the people as expressed in the Local Legislatures.

What was the election law of the Dominion except an aggregate of the laws adopted by the various local bodies? They had had some



experience in the past of the evils of the existing state of things. There had been a contested election for Hochelaga which lasted nearly four sessions, and during all that time it had remained in doubt whether the hon. gentleman who sat for the county was really entitled to a seat on the floor of the House. He maintained that the state of the law which was capable of producing such results—results which were not exceptional—was disgraceful. (*Hear, hear.*)

He laid down this proposition—that it was essential to the ends of justice that Judges who were to decide a question of fact should be in a position to hear the evidence of all the witnesses upon the reliability and accuracy of whose statements they were to determine. But under the present law it would be necessary to bring witnesses from all parts of the Dominion to Ottawa, the result being that the rich man had a vast advantage over the poor man, and wealth would be an essential of the trial.

The alternative to which the House would be driven would be to issue a commission to take evidence elsewhere; that was objectionable in the last degree, for then something would be got which would no more tell what the real fact was, and what weight ought really to be given to it, than the perusal of the report of a man's speech would give a correct idea of what the speech really was when delivered. He maintained that, for this and other reasons, the present system with reference to the tribunal which was erected for the trial of elections, was altogether unsatisfactory.

He maintained that the present system, which had been cunningly devised, was founded upon the theory, not that the members of the House were impartial, but on the avowed theory that they were not impartial, that that was a theory which acknowledged the defects of the tribunal, which acknowledged that members were more than liable to err in this matter, which acknowledged that, with the best and most honourable intentions possible, they were so likely to do wrong that neither side was willing to trust the other, and which disposed of a case by approaching an equal number from each side upon the tribunal, and then to quarrel for the chairman, so that in nearly every instance when the chairman was chosen the case was virtually regarded as settled, and might as well be brought at once to an end.

In the British House of Commons they had recognized the imperfections of the tribunal, and had handed over to others better fitted to discharge the duty the trial of contested elections. It would devolve upon those who choose to resist a similar charge in Canada to make out an extremely strong case before they could justify it.

He maintained that a system which localized the trials, which gave to the Judges to whom we were willing to entrust decisions in regard to everything we held dear—our lives, our property, our honour, our reputation—the power to determine whether an election had been fairly and properly conducted, was a system which commended itself to the general approval of the people.

Was it not the boast of the county—he knew it to be the boast of his own Province—and would fain believe it was the boast of the other provinces—that our judges were beyond corruption, and

beyond even the suspicion of it? Was it not the boast of the country that the fountains of justice were pure and undefiled? If that was the case, then he maintained that they could not, in justice to their constituencies, in justice to themselves, refuse to pass a law which was essential, in fact, to the freedom and purity of elections.

A most remarkable change for the better had been produced in Ontario, by the change of law in that province. There was a great improvement in the Election of 1871, over the Election of 1867; and he attributed that to the fact that the people were convinced that enactments respecting bribery and corruption, which had become dead letters under the old system, were changed into living laws, when they placed the administration in the hands of judges and means were provided for the speedy trial of violations of them.

What he asked now was whether hon. gentlemen were prepared, in reference to elections for the House, to give the same inducements to the electors and to the candidates, which it was in the interest of all of them to give, not only of preventing bribery and intimidation, but of affording a satisfactory mode of trying violations of the law. He argued that the expense of trying a controverted election would be no greater under the new than under the old system.

Then, if the system he proposed was adopted, as he contended it was specially adopted to a country covering so vast an area as this, it should be adopted. The greatest satisfaction which the people would derive from the trial being conducted in an open Court before themselves, from the witnesses being examined in their presence, from the facts being stated in the hearing of those who were best qualified to judge of them, from the truth being got out before them, and from the decision upon those facts being given by Judges whom they knew, whom they trusted, and whom they were accustomed to have decide in the other affairs—if it was a system of that kind then he said that, important as were the measures of amelioration which might come before the House, there was none of so great importance as that which he was the humble medium of bringing under their consideration.

No greater blow could be struck against corruption and intimidation that would be struck by the bill, and the only ground upon which it could be opposed by hon. gentlemen opposite—would be a deliberate intention on their part to use that patronage with which they had been entrusted for the benefit of the whole country, to use the influence they had as governors of the country, to exercise the control they had over the administration of the public affairs of the country, as means and levers for improperly influencing the popular vote at the approaching elections, and to do all that, to use even the powers which the legislation of this session would put in their hands, as well to avail themselves of the purses of their friends throughout the constituencies, without incurring the exposure, the confusion, and the difficulty which would follow a trial of these matters before a proper tribunal. (*Hear, hear.*)

Those who were against the present system, and in favour of that purity of election which its abolition had secured in Ontario would

May 23, 1872

vote for the bill. Those who were in favour of bribery and corruption being practised, without any effectual check being placed upon them—and he characterized them in advance—would reject the bill; and he trusted that, if they rejected and again became candidates, the people would reject them. (*Hear, hear.*)

**Hon. Sir JOHN A. MACDONALD** said that, instead of arguing the bill on its merits, the hon. gentleman took occasion to threaten those who held different opinions from himself. The hon. gentleman would find that that language would meet the fate it deserved, and that in adopting such a tone that he would not increase his influence in the House or the country, or his usefulness in any way.

The hon. gentleman had cast a deliberate slander on every member of the House when he said that the continuance of the old system would be a practical inducement to bribery and corruption. What was the law that now existed? It was that five men should be chosen by lot out of the House—not chosen by the majority—but chosen by chance; and the men who had been chosen by the people of the land to pass all the laws and to deal with all subjects of public interest were to be stigmatized as men who countenance corruption; and the committee, sworn solemnly to try each case according to law, was termed “*orrupted*,” and was charged with committing perjury. That was the necessary inference of the hon. gentleman’s language, and no other conclusion could be drawn from it.

In either case, whether before a judge or a committee, there was no doubt that the tribunal would be honest, and would do their duty; and his experience in Parliament had been that Committees on the Whole had given decisions, as fair, as honest, as a bench of Judges could give, however elevated. He did not deny that some argument might be made from consideration of convenience, had that line been taken by the hon. gentleman. It was unworthy of him to hold out a threat of the kind he had used; and for that reason, if for no other, the bill would be rejected. He objected, however, to the bill being passed now, for two reasons.

In the first place the House should respect its own legislation. Did Parliament act with deliberation, or did it not, when the subject was before it last year? Did it not provide then that there should be a certain system for the trial of controverted elections? There had been no change of circumstances, and no election had taken place since the Act passed, and any change would be resented by the Senate, for they would say, “We passed the Act last year at the request of the House of Commons, and there has been no change of circumstances since.”

There was another ground of objection which, to his mind, was conclusive on the subject, and that was that until they had Dominion Judges they had no right to force the trial of controverted elections on the present Judges. If any hon. gentleman would consult the British North American Act he would see that this was the case, for it was provided that the constitution of the courts, their organization, and their duties were to be uttered by the Local Legislatures.

The general Government had the power of appointment and the fixing of salaries; but it had no power, and ought not to assume the power, of throwing upon the Judges other duties than those provided by the local acts. If they could give the Judges of the Superior Court to try election petitions, they could order them to act on commission on any public subject whatever, and to perform duties altogether inconsistent or at variance with their proper duties as Judges.

It was unconstitutional in spirit to throw on the Judges duties other than these imposed on them by the Local Legislature, and the House would see the inconvenience of it. What security could there be that the Administration of Justice would be satisfactorily carried on, or how could the Government of any Province see to the proper economical administration of justice if the judges could be dragged away from their duties and their courts, and be compelled to set aside a whole circuit because they were ordered by the Dominion Government to leave their bench and go away east, west, north or south to try election petitions.

It was a step which would strike a serious blow at the very root of the satisfactory performance of the ordinary administration of justice. There were 200 members in the House. Supposing that there were fifty disputed cases at the next election; fifty judges would have to be taken away from their ordinary duties. When next year the Dominion had Judges of its own sitting as a Court of Appeal, if it should be found, after a fair and full consideration of the whole subject, that the Dominion Judges could, without interference with their ordinary duties, have these duties imposed on them, it would be time enough to act.

Under the present law, the Dominion Parliament had no power to control the number of Judges, or to increase them, and they were asked to throw additional burdens on them without consent with the local Governments in that behalf. This argument in his opinion, was conclusive against the bill.

The two grounds on which he took objections to the matter were that, after the legislation of last Session the Statute then passed should be allowed to remain, as no new circumstances had arisen; in the second place, that they were entering on a dangerous path if they assumed the power or authority of imposing any duties on the Judges other than the three imposed on them by the Legislature of the Province of which they were Judge. He moved that the bill be not now read a second time, but that it be read a second time that day six months.

**Hon. Mr. MACKENZIE** said, the first reason given by the hon. gentleman, was that the mover of the bill had threatened the House. That reason was unfounded and improper. As to not passing a new law until the old one had been tried, the argument was fallacious. The House had imposed duties on Judges on several occasions. If they imposed duties on them respecting the insolvency law, why should they not do the same with the Election law. Again, Parliament could impose the duty of trying divorce cases, and several other matters.



As to the question of convenience, it would not take nearly so great a number of Judges to try the cases. The usual proposition of Contested Elections was about ten per cent, and seven Judges, at the outside would be able to dispose of the cases. Suppose there was a Court of Appeal, that court would sit at Ottawa, and did the hon. gentleman propose to send these judges allover the Dominion. It was proposed to make up the court with seven judges, and yet the hon. gentleman proposed to give controverted elections into their hands, and yet he said that 50 would be necessary.

The arguments were wholly against the grounds taken by the First Minister. He could understand that it might be considered preferable to commit election cases to a committee of the House instead of to courts, though he could not agree with that view. He remembered a case in which a member on an election committee had remained out of the way purposely to avoid a decision, and gentlemen engaged in party strife might imperceptibly be influenced by their party feeling.

The very process of the appointment of the committee involved the view that it was necessary to guard against party influence. He maintained that the trial by Judges was British and commended itself to the judgment of all men of any long Parliamentary experience, and should support the bill with the greatest eagerness.

**Hon. Sir GEORGE-É. CARTIER** said the question was worthy of all consideration and examination, but it must be remembered that the system proposed was tried in the old Province of Canada under the "Mackenzie Bill." But there was a feeling of distrust that the law would not work, and after a year's experience the Legislature repealed it. He did not blame hon. gentlemen opposite for their views, but a great majority were opposed to the principle they held. He was in England some time after the passing of the law placing the matter in the hands of the judges, and several judges who had been called on to administer the law condemned the policy of taking them away from their ordinary duties to try controverted elections.

That principle was merely on its trial, yet, and it was almost a certainty that the next Parliament would be called upon to adopt a uniform election law for the whole Dominion. It was impossible to do this last session of account of the accession of British Columbia, as in order to a proper decision it was necessary to have representatives from each portion of the Dominion. The present law was only applicable to the next general election, and it would afterwards be necessary to frame a uniform measure.

It would be more than unwise and imprudent at that moment to substitute an untried system for one that had been tried, and until a uniform measure could be adopted. The experience of the first few years had brought about the conviction that the electoral basis should be uniform throughout the Dominion. He hoped the House would see that it was not expedient to impose the duty in question on judges under the control of the local Governments, in addition to

their ordinary duties, and for this reason, and for the want of proper experience, the bill ought not to pass. The question was an immense one, and could not be properly considered at the fag end of a session, and Parliament next year would be in a proper position to deal with the matter.

**Hon. Mr. ANGLIN** did not understand the argument that the measure of last year should not be changed, if there was sufficient reason for the change. He believed that the system trial of elections before judges was recognized as the best from the experience of the provisions that had tried it; and there was no doubt of its being the most convenient. The most important consideration was that bribery and corruption had been greatly discouraged by the system of trial before judges.

In addition, losses could be decided much more rapidly by judges than by a committee, and indeed all facts, arguments, and experience concurred to support the measure now before the House. It had not been proved that the proper discharge of the ordinary duties of Judges had been interfered with by the imposal on them of the trial of election cases, and he believed that if there were payment attached to controverted elections, no Judge would object to the work. The first consideration was that justice should be done.

**Mr. RYMAL** had had much experience in matters of contested elections, and had known days and days taken up in trying the cases before a committee. He desired that justice should be done, and there should be no unnecessary delay, and he believed justice would be more certain under the system proposed than under that now in force.

**Hon. Mr. IRVINE** had a strong conviction in favour of the principle of the proposed bill and should vote for it. He referred to the election law as a mere dead letter, and believed that there was great corruption at elections. The reason of the law being in operation was that it was impossible for a committee to unseat a member for corrupt practices.

He did not agree with the statement that Election Committees were influenced by party feelings, and referred to a case in which a Conservative had been unseated by a committee a majority of which were Conservatives. He believed that the present tribunal was proved to be unsatisfactory, and especially so to the gentlemen unfortunate enough to be chosen on the committees. He believed they could not do better than entrust the matter to the judges of the land, and thought that system had worked very well wherever tried.

He never understood that the motion last year was to be permanent, and he could not agree with the argument that the House had no power to impose duties on judges, for every law passed imposed on them the duty of carrying out the law. If it was important that corrupt practices at elections should be put down, and if the present tribunal was unsatisfactory, the only alternative was to place the matter in the hands of the Judges.

May 23, 1872

**Mr. STREET** said the question was one of principle. They had long experience of the present system, and he did not desire in any way to reflect on the Committee, but he believed trial by Judges was most likely to ensure justice and right. It was not a question of imposing too great a burden on the Judges, for if the burden was too great the allowance could be increased. The subject was that justice should be attained, and that should be the first consideration.

On the score of convenience also the present system was undesirable, for it would be most incorrect to try a case from British Columbia or Manitoba under the present system, and it was desirable that all investigations should take place as early as possible. He was decidedly in favour of the principle of trial by the judges, and that principle had been found to work most satisfactorily. The Bench was so entirely pure that the question could be submitted to no better tribunal. When they were asked to say which was the best principle they ought to decide at once, and not defer it till another session.

The members were called in, and on **Hon. Sir JOHN A. MACDONALD'S** motion, seconded by **Hon. Sir GEORGE-É. CARTIER**, the vote resulted as follows:—Yeas, 66; Nays, 49.

(Division No. 18)

#### YEAS

##### Members

Baker	Bellerose
Benoit	Blanchet
Campbell	Caron
Cartier (Sir George-É.)	Chauveau
Chipman	Cimon
Coffin	Colby
Costigan	Currier
Daoust	De Cosmos
Dobbie	Drew
Dugas	Fortin
Gaudet	Gendron
Grant	Gray
Grover	Heath
Hincks (Sir Francis)	Houghton
Hurdon	Jackson
Keeler	Lacerte
Langevin	Langlois
Little	Macdonald (Sir John A.)
McDonald (Lunenburg)	McDonald (Middlesex West)
McKeagney	Moffatt
Morris	Morrison (Niagara)
Munroe	Nelson
O'Connor	Perry
Pinsonneault	Pope
Ray	Renaud
Robitaille	Ross (Champlain)
Ross (Victoria, N. S.)	Ryan (Montreal West)
Shanly	Sproat
Stephenson	Sylvain
Thompson (Cariboo)	Tilley
Tourangeau	Tupper
Walsh	White (Hastings East)
Willson	Wright (Ottawa County)—66

#### NAYS

##### Members

Anglin	Béchar
Bertrand	Blake
Bodwell	Bolton
Bourassa	Bowman
Burpee	Cameron (Huron South)
Cheval	Connell
Coupal	Ferris
Fournier	Geoffrion
Godin	Hagar
Irvine	Kempt
Kirkpatrick	Mackenzie
Magill	Masson (Terrebonne)
McDougall (Renfrew South)	McMonies
Mills	Oliver
Pelletier	Pickard
Pouliot	Pozer
Redford	Ross (Wellington Centre)
Rymal	Scatcherd
Smith (Westmorland)	Snider
Stirton	Street
Thompson (Ontario North)	Tremblay
Wallace (Albert)	Wells
White (Halton)	Whitehead
Wood	Wright (York West)
Young—49	

This bill was therefore withdrawn, to be read a second time in six months.

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#### ADJOURNMENT

**Hon. Sir JOHN A. MACDONALD** then moved that, when the House adjourn, it stand adjourned till Monday.

**Hon. Mr. MACKENZIE** asked if there was any reason for not sitting on Saturday.

**Hon. Sir JOHN A. MACDONALD** said there were many members away, and nothing would be gained by sitting on that day. He would give notice next week, however, that the House should sit on Saturday of that week and the following Saturday.

The motion was then carried.

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#### DUAL REPRESENTATION

**Mr. COSTIGAN** moved the second reading of the bill to compel members of the local legislatures in any Province where dual representation is not allowed, to resign their seats before becoming candidates for seats in the Dominion Parliament. He said if a man could only hold one seat he should only contest one. If he was not compelled to resign one he might come forward from mere



opposition. He would not have moved the bill except on principle. He had no personal interest but moved it from a sense of duty.

**Mr. BODWELL** said if the hon. gentleman would make his bill general he (Mr. Bodwell) would support it; but at present it was only partial. The principle had been refused by the House. If the House intended to be consistent it would reject this bill, as it did last session. The very principle of the bill, affecting as it did only a portion of the Dominion, instead of the whole of it, was objectionable.

**Mr. SAVARY** thought the bill was a fair one, and would support it, hoping it would receive the sanction of the House.

**Mr. GEOFFRION** hoped the House would not adopt the bill, and moved an amendment that it be read that day three months.

**Mr. JACKSON** intended to vote for the bill. He had always been in favour of allowing the people the liberty of sending the same person to the Local and General Legislatures if they saw fit; but as some of the Provincial Legislatures had restricted that liberty he thought it was only right that the legislation they had initiated should be made as perfect as possible in accordance with the views which he was sure, they must have entertained.

**Hon. Mr. ANGLIN** thought the speeches of the member for Digby (Mr. Savary) and others, indicated plainly that the Bill was of a personal character. This bill would be regained from one end of the Dominion to the other as having been passed to scribe personal ends. The hon. member who last spoke seemed to say that the Local Legislature of Ontario passed a bill as to the dual representation, but it did not satisfy the people of Ontario, and we were asked to legislate upon the question. He objected altogether to legislation which would be regarded as personal and individual. His opinion was that one of the last acts of this Parliament of Canada should not be of such a character.

**Mr. MILLS** thought it was quite clear that the House should not pass the bill, and ought not seek to impose certain disqualifications in some parts of Canada that would not apply in the least to all parts.

**Mr. YOUNG** objected to the bill, as of a personal nature. A measure of similar purport had just been voted down by the Government, and it was inconsistent to support this. Ontario would regard the veto as a political trick, which would add to the majority of his hon. friends, the members for Durham West (Hon. Mr. Blake) and Lambton (Hon. Mr. Mackenzie). He trusted the House would be consistent as he (Mr. Young) was and vote against the bill.

**Mr. DE COSMOS** intended to vote against the motion of the hon. member for Victoria, New Brunswick (Mr. Costigan), as he was opposed to a principle that would entail disastrous results.

**Hon. Mr. GRAY** said there was so little of a personal nature in the bill, that there was not a single member from New Brunswick who would vote against the proposition made this year by the same member for New Brunswick, who had moved it last. He should certainly vote for the measure this year, as he did last.

**Mr. COSTIGAN** urged that there was nothing of a personal nature in this measure. Last year the hon. members for Ontario were not affected by his introduction of the measure; but because they could be this year it was not his (Mr. Costigan's) fault. He had been perfectly consistent.

**Mr. ROSS (Dundas)** has opposed the measure last year and saw no reason to change his mind.

The members were then called in and **Mr. GEOFFRION'S** amendment, was lost on the following vote: —Yeas, 39; Nays, 63.

*(Division No. 19)*

**YEAS**

Members

Anglin	Béchar
Bodwell	Bourassa
Bowman	Coupal
De Cosmos	Drew
Fournier	Geoffrin
Godin	Langevin
Lawson	MacFarlane
Mackenzie	Magill
Masson (Terrebonne)	McDougall (Renfrew South)
Mills	Munro
Oliver	Pelletier
Redford	Ross (Dundas)
Ross (Wellington Centre)	Rymal
Scatcherd	Snider
Stirton	Thompson (Ontario North)
Tourangeau	Tremblay
Wells	White (Halton)
Whitehead	Wilson
Wood	Wright (York West)
Young—39	

**NAYS**

Members

Baker	Bellerose
Benoit	Bertrand
Blake	Bolton
Cameron (Inverness)	Campbell
Caron	Chauveau
Chipman	Cimon
Coffin	Colby
Connell	Costigan
Currier	Dobbie
Dugas	Fortin
Gaudet	Gendron
Grant	Gray
Grover	Hurdon
Irvine	Jackson

May 23, 1872

Keeler  
Lacerte  
McDonald (Lunenburg)  
McKeagney  
Morris  
O'Connor  
Pickard  
Pope  
Ray  
Robitaille  
Ross (Victoria, N. S.)  
Savary  
Sproat  
Street  
Thompson (Cariboo)  
Tupper  
Walsh  
Wright (Ottawa County)—63

Kirkpatrick  
Langlois  
McDonald (Middlesex West)  
Moffatt  
Morrison (Niagara)  
Perry  
Pinsonneault  
Pouliot  
Renaud  
Ross (Champlain)  
Ryan (Montreal West)  
Shanly  
Stephenson  
Sylvain  
Tilley  
Wallace (Albert)  
White (Hastings East)

**Mr. BODWELL** called attention to the fact that Hon. Sir John A. Macdonald had not voted.

**Hon. Sir JOHN A. MACDONALD** said he had paired off with Hon. Sir George-É. Cartier. (*Loud laughter.*)

**Mr. GEOFFRION** said the House had only a few hours previously declared itself opposed to the principle of this Bill. If it should now pass, he asked the opinion of the Premier, what would be the result?

**Hon. Sir JOHN A. MACDONALD** said he did not think his hon. friend, whose legal acuteness they all admired, needed any advice from him. (*Laughter.*)

The second reading of the Bill was carried on a division, and ordered for a committee of the whole on Monday.

The House adjourned at 12.35 a.m. till Monday.





May 27, 1872

## HOUSE OF COMMONS

Monday, May 27, 1872

The **SPEAKER** took the Chair at 3.20 p.m. The attendance was small, there not being more than seventy members in the House.

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*Prayers*

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After Routine,

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## DOMINION WATER WORKS

**Hon. Mr. WOOD** moved concurrence in the amendments made in Committee of the Whole to the Bill to incorporate the Dominion Water Works Company.—Carried.

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## RAILWAY BONDHOLDERS

**Hon. Mr. GRAY** moved the second reading of the Bill to do justice to the bondholders in the case of the Houlton Branch Railway Company of the Province of New Brunswick, incorporated by Act of the Assembly, 30 Vic., Cap. 54. He said in explanation of the Bill that the inhabitants of the town of St. Stephen, in the county of Charlotte, New Brunswick, desired some years ago to have a branch constructed to connect the town with a railway running into the United States. They accordingly agreed with the Company, which was an American corporation, that if the Company gave \$30,000 for the purpose of constructing the branch they would give \$15,000. The first step taken in the matter was before Confederation, but the Act authorizing the town to issue debentures in aid of the railway was passed by the Local Legislature after the union. The debentures were issued under the authority of this Act, and the railway was built, in consequence of which property in the town had greatly increased in value. Since then, however, a ratepayer had taken exception to the legality of the debentures, refusing to pay his share of the assessment and the matter having been carried to the Supreme Court of New Brunswick it was there decided that the Act authorizing them having been passed since Confederation and for the benefit of a railway running into a foreign country beyond the powers of the Province, it was ultra vires of the New Brunswick Legislature to pass such an Act.

The object of this bill was, therefore, to legalize the debentures, and protect the innocent holders of them. He could not conceal his belief that there might be difficulties in the way of the passing of

the bill, nor would he shrink from confessing that there might be doubt as to jurisdiction of Parliament on the matter. However it was desirable that the innocent should not suffer, and more especially as the parties who would be wronged under a technical plea in this case were foreigners; and, as there were precedents for interference to rectify such defective Legislature, he thought it was within the power of Parliament to pass the Bill. He quoted several authorities to sustain this view of the case.

**Hon. Mr. MACKENZIE** said some of the provisions of the Bill seemed to him to be extraordinary, and he would like to know the views of the Minister of Justice (Hon. Sir John A. Macdonald) with regard to them.

**Hon. Sir JOHN A. MACDONALD** said he had read the Bill with some little care, and he must say it appeared to him to be doubtful whether, under the circumstances, this Parliament has power to pass the Act, or if it did pass it, whether by so doing it would render the debentures valid. He must say that he had very great doubt upon that point. (*Hear, hear.*) As he understood the facts they were these:—A company had been incorporated by the Legislature of New Brunswick to build a railway to the Province line. The Legislature, of course, had the power to do that, under the British North America Act. It then appeared that a foreign company in the State of Maine, had offered to the people of St. Stephen that if they would contribute towards its equipment the company would construct a branch line to connect with the railway authorized by the Legislature, which was to run to the Province line. This had been agreed to, and an act passed the Legislature authorizing the justices of St. Stephen to issue, on behalf of the municipality, debentures for the purpose of aiding this foreign company in the carrying on of the work of connecting the town by railway with the province line.

It was not at all clear to his mind that the judgment of the court, on declaring these invalid, was a correct one. (*Hear, hear.*) That was his view of the matter; but he stated it under reservations, as he had not yet had time to look into it thoroughly. It appeared to him that, if the power of legalizing the debentures existed anywhere, and it surely must exist somewhere, it was in the Local Legislature. If that was the case then it will not rest with this Parliament to interfere. This was not a question of the construction of a railway connecting New Brunswick with a foreign country, and declared to be for the general benefit of Canada. If it were, Parliament would have a right to legislate on the matter, but as the case stood, debentures had been legally issued, the court would have just as strong reasons for declaring that the Act was unconstitutional as it had for deciding against the Provincial Act. (*Hear, hear.*)



**Hon. Mr. WOOD** maintained that the Dominion Legislature had no power in the matter. Without any disrespect to the New Brunswick court that had decided against the legality of these debentures, he would say that a more imbecile set of reasons, for a judicial decision, he had never heard given in his life. (*Hear, hear and laughter.*) He referred to several Bills that had been considered by the Railway Committee, for the chartering of Bridge Companies, and held with regard to them that the power sought was within the jurisdiction of the Provincial Legislature.

The British North American Act, he argued, gave authority to the Local Legislature to authorize the construction of a railway to the limit of the Province, and it would be absurd to hold that, because the work extended into a foreign country, it therefore passed out of the jurisdiction of the Local Legislature, for neither the general nor the Local Legislature could give power to carry on a work beyond the frontier of the country. The only way in which a Provincial Railway running to the boundary could be brought within the jurisdiction of Parliament would be to declare it a work for the general benefit of Canada. With regard to these debentures, Parliament had no power to legislate in any way, and the whole matter should be left in the hands of the Local Legislature.

**Hon. Mr. SMITH (Westmorland)** did not think it seemly for an hon. member to stigmatize as “imbecile” a court than which there was none of a higher character in the Dominion. He ventured to say on behalf of the bar of New Brunswick, that there was no lawyer, no judge, no chief justice, in the whole of Canada whose reputation stood, higher or who had superior legal attainments than the Chief Justice of that Province. (*Hear, hear.*) As to the decision the Court had given in this case, it was in his opinion based upon sound principles of law, and would stand the test of an appeal to the Privy Council. He read a petition signed by 200 ratepayers of the town of St. Stephen against the passage of this Bill on the ground that the Act had been carried through the Provincial Legislature by surprise, and without fairly consulting the inhabitants of the town. He said he had no opinion to offer upon this petition, which he simply read for the information of the House.

**Mr. BOLTON** pronounced the statements contained in the petition untrue, and said he was sorry to see among those who had signed it the names of several parties who had voted for the issue of the debentures, and who, after pledging the faith of the town to the Railway Company, now wished to have those debentures declared invalid. He was in favour of some measure of relief being offered to the innocent holders of those securities.

**Mr. MILLS** said that the principle had been laid down that it was not in the power of a local Legislature to give aid to anybody or corporation that derives its existence from the Parliament of Canada; neither conversely would it be in the power of Parliament to give aid to any body or corporation deriving its existence from a local Legislature. If that principle was sound then the course to pursue would be to delegate the whole matter to the Legislature of New Brunswick.

There was another point which he thought deserved attention; it was whether it was in the power of Parliament or a Local Legislature power to tax the people for any other than a public purpose. He thought it was quite clear taxation could not be imposed for any private object. Railway corporations were private bodies, and municipalities might aid them by taxing; but if they gave a bonus they would thereby deprive the minority of any protection. He denied that any power could be conferred to enable the municipality to levy a rate in aid of any work that was not a public work, and he read from a decision of an amnesty Judge to establish this point.

**Hon. Mr. TILLEY** said if the doctrine of the hon. member on the point was correct, there was a large number of Railway Securities in New Brunswick, where railways had been constructed by the aid of Provincial as well as Municipal bonuses, which would be entirely worthless. (*Hear, hear.*) With regard to this clause the Government had given assistance to the town. Calais had voted \$15,000; the town of Houlton, also in the State of Maine, \$30,000, and the town of St. Stephen had issued debentures to the amount of \$15,000. All these debentures had been sold by the Railway Company in order to complete the work, and were now in the hands of innocent holders. The position therefore was just this; that when these parties asked for their interest they were told that the highest court in the province had decided that the Legislature had no power to authorize the issue or securities they had purchased, and they were therefore deprived of the money to which they were fairly and equitably entitled. He took it for granted that the Act of the Local Legislature had been submitted to the Minister of Justice and declared by him to be such an act as it was within the power of the Legislature to pass.

The Court having decided, however, that the Provincial Legislature had no right to pass such a law, it remained for Parliament—and he could see no other authority which could be appealed to—to compel justice being done. The town of St. Stephen had given its assent to the issue of the bonds, and he could not see that there were any sound objections to the confirmation of that assent by Parliament.

**Hon. Mr. MACKENZIE** said every one would agree that justice ought to be done but the question was whether Parliament was able to do them justice. If this House had no power it would be no more than a farce to pass an act that the court might afterwards declare to be unconstitutional. He did not pretend to say the House had no power, but that was a position in which it might be placed. It appeared to him taking a general view of the matter, that if Parliament was competent to legalize the bonds, it was competent to authorize the municipality of any of the Provinces to grant aid to any such or other work it chooses. If then it was competent to authorize them to do certain things it would be equally competent to compel the municipalities to do this. This would go far towards establishing a centralizing system which would be very objectionable to the Provinces, and in his opinion it was a danger to be apprehended and avoided. He was quite willing that justice

May 27, 1872

should be done, but still the House must be guarded by principles of public law and by the provisions of the constitution under which we were governed. There was another point worthy of consideration, whether it was right to appeal to this House to make good what a court of law had decided to be invalid. He doubted very much whether it should be attempted to set aside, by an Act of Parliament, the decision of the highest court in one of the Provinces.

**Hon. Mr. TILLEY** said that the bill was quite in accordance with the judgment of the Court, because the Court had declared that it was this Parliament and not the Provincial Legislature that had power to authorize the debentures.

**Hon. Mr. MACKENZIE** could not help thinking, although of course he did not express the opinion with the confidence of professional knowledge, that the judgment of the Court was adverse to the common interpretation of the constitution. If Parliament passed the bill in its present shape a number of measures that had passed the Local Legislatures in the belief that they were constitutional would be presented in a new light, and doubt might be thrown upon them as not being acts which it was within the power of those Legislatures to enact.

**Hon. Mr. ANGLIN** supported the bill. He said it had been the invariable practice of this House to exercise jurisdiction in the case of all railways which ran to the boundary of a province and into a foreign country. The point of the hon. member for Brant South (Hon. Mr. Wood) was not, he thought, a vital one. That hon. gentleman had argued that, because there was no power anywhere to authorize a work beyond the frontier, it was within the jurisdiction of the Local Legislature to authorize works to the boundary line, on the ground that such works were within the Province. Before that was determined, the question of what was a boundary line had to be settled. As a line was geometrically length without breadth, it remained to be decided what the exact meaning of "line" was when applied to works extending to the frontier. The phrase in the constitution was—"extending beyond the limits of the Provinces," and with regard to these words there should be a final understanding before the question of jurisdiction was conclusively settled. So far Parliament has assumed jurisdiction, and he said that authority should be exercised in the case where a simple act of justice was to be done.

**Hon. Mr. MACKENZIE** said the Local Legislatures had held that they had a right, under the authority of the British North America Act, to charter railways which ran within the limits of the Province and the Ontario Legislature had passed an Act authorizing the construction of the Canada Southern Railway, which ran from one boundary to the other. Then it would be remembered that, some years ago, when the St. Lawrence and Ottawa Railway Company sought amendments to its charter, this House had refused to legislate on the ground that the road was solely within the Province of Ontario, and in order to bring the subject within the jurisdiction of Parliament, a clause had been inserted authorizing the company to cross the River Ottawa into the Province of Quebec.

**Hon. Mr. ANGLIN** said that the railways he had referred to as being within the jurisdiction of this House were those which would make arrangements and connections on the frontier with foreign railways. With regard to the Bill, he thought it should be passed in order to afford a necessary measure of relief.

**Hon. Sir GEORGE-É. CARTIER** took exception to the doctrine that had been laid down by the hon. Member for Bothwell (Mr. Mills) with regard to the power of local Legislatures to apply the surplus revenue to purposes which it might consider to be of public interest to the Province. The hon. member had denied the right of the Local Legislature to appropriate any of the provincial income or impose any taxation in order to aid an undertaking which was not for the public good and for the use of the State. In laying down that proposition he had applied it to the case of the Dominion Government in granting aid for the improvement of certain harbours. He (Hon. Sir George-É. Cartier) would refer the hon. gentleman to the 126th clause of the British North America Act, which gave the Local Legislature power to appropriate the surplus revenue to any purpose which it might declare to be for the public service of the Province. The Legislature were the sole judges as to whether the work to be aided was a public work useful to the Province or not. With regard to the bill before the House, if the hon. gentleman who had it in charge (Hon. Mr. Gray) made out a case, Parliament would have the right to legislate in the direction asked, since it had jurisdiction with regard to Boards and matters of that kind. It did not follow that the action of Parliament would disturb the session of the court for the bonds might be legalized without affecting that judgment in any way. He (Hon. Sir George-É. Cartier) was glad when constitutional questions of this kind arose to have them thoroughly discussed and well considered.

**Hon. Mr. MACKENZIE** asked whether he understood the Minister of Militia (Hon. Sir George-É. Cartier) to say that the House could authorize local municipalities to impose taxation.

**Hon. Sir GEORGE-É. CARTIER** said, not at all.

**Hon. Mr. MACKENZIE** understood him to say they could issue bonds.

**Hon. Sir GEORGE-É. CARTIER** said he referred to the Company.

**Hon. Mr. GRAY** said the present application was made to the House in virtue of the decision of the court. The application was made to the court as to assessment, and the court declared the assessment to be illegal and void, on the ground that the Legislature had no right to pass such an act. The member for Brant South (Hon. Mr. Wood) seemed to doubt the power of Parliament to legislate, but he would call attention to the language of the section of the British North America Act which provided that the Provincial Legislatures should have the right to legislate on certain subjects; one exception, however, being all undertakings extending beyond the limits of the Province.



**Hon. Mr. WOOD:** It did not speak of works extending into foreign countries.

**Hon. Mr. GRAY:** If Parliament had not power to legislate on this subject what had it been doing year after year? He referred to these acts passed in 1870 and 1871, in which the same principle was involved, namely the acts respecting the Federation, and the Saint John Bridge Company, the Detroit Tunnel Company, and the International Bridge Company. The member for Bothwell (Mr. Mills) held a Local Legislature had no right to authorize a subsidy for a private company, but he (Hon. Mr. Gray) maintained that railways were quasi-public works, and from the moment of their construction passed beyond the jurisdiction of municipal or county authorities, and that the principle had been acted on time after time. The hon. member was too refined with his theories, and they would not work in practice.

**Mr. MILLS:** It is a question of law.

**Hon. Mr. GRAY:** Then let the legal tribunal settle the matter. Every one admitted the equity of the bill, and as the court had decided that the Local Legislature had not power in the matter, he trusted the measure would be allowed to proceed.

**Mr. GEOFFRION** continued, in French, arguing that the House had no authority to legalize the debentures of municipalities. If a division should be taken on the Bill, he would feel obliged to vote against it.

**Hon. Mr. GRAY** asked whether he understood the hon. member that Parliament had no power to legalize the debentures, because it would be an invasion of municipal rights.

**Mr. GEOFFRION** said he would repeat his remarks in English as well as he could. He maintained that the judgment of the court must have been on the ground that the debentures were issued in favour of a body having no legal existence. Because if the company had no right by their Act of incorporation to issue debentures, the Parliament had no power to give it to them. The bill seemed to indicate that the company ought to have been incorporated by the Dominion Parliament, and in that he fully concurred.

**Hon. Mr. GRAY** said the decision was not that the company was illegally formed, because it was incorporated before Confederation; but it was that the local Legislature had no power to authorize aid to the company, because it was a company connecting with a foreign country.

**Mr. GEOFFRION** could not understand that the Dominion Parliament could give the company greater powers than those conferred on them by the local Legislature, and should oppose the bill.

**Hon. Sir JOHN A. MACDONALD** said perhaps the second reading had better take place, and then allow it to stand over without any agreement as to the principle, so that the matter could be more fully looked into. There seemed at present to be some confusion as to the facts of the case, which should be removed before dealing with the matter. So far as he could gather the facts of the case there, that the Legislature of New Brunswick, before Confederation, incorporated a company called the "Houlton Branch Railway Company," to make a railway from the St. Andrew's Railway to the Province line; that the State of Maine incorporated another company, composed, however, of the same individuals and with the same end, and they were two distinct corporations. The town of Houlton, in the State of Maine, offered the American Company \$30,000, and the town of St. Stephen offered the New Brunswick Company \$15,000. If the New Brunswick Legislature had the power to grant a charter to the Company, and it existed at Confederation, he could not see why the town of St. Andrews should not contribute to the line, although it was known that the line would connect with a foreign line. He spoke of course with great hesitancy in view of the decision of the Supreme Court; but he could not see how the act was invalid, for if the original charter was valid he did not see why the Legislature of New Brunswick could not authorize the town of St. Stephen to help the railway.

**Hon. Mr. SMITH (Westmorland)** said the act authorizing the aid distinctly cited that the railway was from New Brunswick to Houlton.

**Hon. Mr. BLAKE** said that there were several cases in Ontario which, if the legislation in the case in question were illegal, were also illegal. The Grand Junction Railway and several others were cases in which companies having been incorporated by the Dominion Parliament, municipalities had been authorized to aid by the Local Legislature.

**Hon. Mr. WOOD** said the judgment was on the ground that the work was a Dominion work and could not be helped by the Local Legislature; and he had that the Court was entirely wrong; for suffering the judgment to be correct, the Minister of Justice would see that the whole railway legislation of Ontario would be swept away.

**Hon. Mr. MACKENZIE:** There was still a more serious point in the consideration of railways about to be built. He instanced the Kingston and Pembroke Railway, which, he said could not be built without aid from the municipality, and therefore, if the judgment of the court of New Brunswick were upheld, the people interested in that and similar undertakings would doubt whether they could proceed with the proposed work.

**Hon. Mr. GRAY** said that in the present case the company was incorporated before Confederation.

**Hon. Mr. MACKENZIE** said that made no difference. If the judgment were upheld it must apply all over the Dominion.

May 27, 1872

**Hon. Mr. SMITH** said in the present case it was not a municipality but merely a portion of St. Stephen, which had no legal existence previously.

**Hon. Mr. BLAKE** said that this made no difference, as before Confederation municipalities had no power to make money grants to railways, but only to lend money or take stock.

**Hon. Sir JOHN A. MACDONALD** said the parish was not a municipality, and that certainly made a difference, because the whole argument of the hon. gentleman as to the want of power in the Dominion Government to extend power to municipalities in this respect would fall to the ground. The judgment seemed to be on the ground that, as the line was one running into a foreign country, the Local Legislature could not act in the matter.

**Hon. Mr. WOOD** said that would apply to other railways. The judgment was simply on the ground that it was a Dominion work.

**Mr. MILLS** said that if the Minister of Justice (Hon. Sir John A. Macdonald) examined the judgment, he would see that it referred to the railway extending beyond the boundaries of the Province, merely to show it to be a Dominion work.

**Hon. Sir GEORGE-É. CARTIER** said it would be remembered that, when the Railway Act passed, the question of municipal aid was especially left to the Local Legislature.

**Hon. Mr. BLAKE** said in that view the judgment was bad.

The bill was then read a second time and ordered for committee on Monday next.

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#### TELEGRAPH COMPANY

**Mr. FORTIER** moved the second reading of the bill to amend the Act to Incorporate the Canadian and European Telegraph Company, which was carried, and the bill was then passed through committee, and read a third time and passed.

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#### HARBOURS

**Mr. BOLTON** asked whether it was the intention of the Government to introduce a bill during the present session to control the management of harbours and provide for the appointment of harbour masters in the Province of New Brunswick, the present provincial law on the subject being entirely inoperative.

**Hon. Mr. TUPPER** said it was not the intention of the Government to provide during the present session for harbour masters in that Province.

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#### JUDGE BOSSÉ

**Mr. GEOFFRION** in the absence of Mr. Fournier, moved to refer the petition of Prudence Titz and others, respecting Mr. Justice Bossé, to a committee of seven members. He said he thought that a report might be obtained from a committee so that the House could act in the matter.

**Hon. Sir JOHN A. MACDONALD** said it had been understood that the matter should stand over until the petition was printed. The question was a serious one, affecting a Judge, and should not be proceeded with until this petition was before the House.

**Hon. Sir GEORGE-É. CARTIER** said Mr. Fournier had agreed to delay the matter until the petition was printed.

**Hon. Mr. BLAKE** said that the Government ought to assume the responsibility of the matter. The acts complained of were not disputed, and if the Government did not act the evil would remain until another session, and the Government therefore ought to decide whether they would not take charge of the matter and see the evil complained of remedied. If they would not do this the matter should be pressed by the House but if the Minister of Justice (Hon. Sir John A. Macdonald) would promise to deal with the matter he would be satisfied.

**Hon. Sir JOHN A. MACDONALD** said they all had the same object in view: first, to see that the administration of Justice was correctly carried out, and secondly, to extend due protection to Judges in the performance of their duties, while in no way shielding them when in the wrong. He was not aware what was contained in the petition, but presumed it might be before the House at any moment.

**Hon. Mr. MACKENZIE** said that unless the House had decided that the member himself should pay for the printing of the petition, it was an idle farce, for the Printing Committee had not met for a fortnight, and all printing was behindhand.

**Hon. Sir JOHN A. MACDONALD** said the remarks of the member for Durham West (Hon. Mr. Blake) were perfectly reasonable, and if the matter were allowed to stand over he would look into the question and give an answer on the morrow.

The motion was allowed to stand.

It being six o'clock the House rose.



## AFTER RECESS

### COLLECTORS OF CUSTOMS

**Mr. COFFIN** moved an address for correspondence on the protection of the revenue on the coasts and harbours of Nova Scotia. He desired to impress upon the House and the Government the necessity which existed for a more complete customs organization than was in force in Shelburne and several of the neighbouring counties in Nova Scotia. From these places a large trade was done with the United States, and the difficulty and delay which were now experienced in reaching the custom house extended a premium to the illicit traffic which so largely existed in the neighbourhood. He expressed a strong belief that the revenue receipts would be greatly increased by the establishment of more custom houses.

**Hon. Mr. TILLEY** said he was not aware of any correspondence having passed between the Dominion and Local Governments on the subject. The only correspondence that had occurred was with officers of the Government in reference to additional appointments for the protection of the revenue. The Government had decided to make a few additional appointments which he thought would be quite sufficient to protect the revenue. Whatever papers there might be upon the subject would be brought down.

The motion was carried.

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### LAKE HURON HARBOURS

**Mr. SPROAT** in moving for an address for correspondence referring to the harbours of Port Elgin and Inverhuron, said that he regarded these as being two of the most important commercial ports on Lake Huron, whose interests had been to some extent overlooked in the past. He might mention with regard to the port of Inverhuron, that a great portion of the works in the harbour had been constructed by the aid of a grant from the Government in former years, and a considerable amount to supplement these grants had also been voted by the municipal authorities from time to time. He found, however, that owing to a want of means to keep them in proper repair the works were now falling into a very dilapidated state, and he thought if the Government looked carefully into the matter they would find that the large amount that had already been expended would easily be made productive by a small additional appropriation. (*Hear, hear.*)

By an Order in Council, dated the 29th of March, 1870, the harbours of the Dominion had been divided into four different classes, and in making that division he thought the government had acted wisely. The second of these classes consisted of "Harbours the construction, improvement or repairs of which are matters of both general and local interest, and for which the Dominion

Government might defray not exceeding one half the expenditure on condition that the remainder were provided from other sources." Now he thought it a point worthy of mention with regard to the harbour of Port Elgin, that there had been a total expenditure upon it of more than \$30,000 only \$4,000 of which had been received from the Government. He was authorized to say that, if any further grant was made by the Government under the authority of Parliament, of any amount not exceeding \$20,000, the spirited and enterprising inhabitants of Port Elgin would be prepared to make an equivalent appropriation. (*Hear, hear.*) That being the case it was clear that the work of harbour improvement was a matter that excited a good deal of local interest. It was not, however, merely a local work, for the harbour was one of general importance to the trade of the country. There were several reasons which might be adduced for this; but the fact would hardly be questioned when he stated that for many years past a large amount of grain had been annually shipped from that point, and that at the opening of navigation this spring, there had been no less than a quarter of a million of bushels awaiting shipment. When he mentioned that fact he thought he might safely assume, and the House he was sure would agree with him, that it was a port not only of a local but of general importance to the country. (*Hear, hear.*) He might also mention that one of the main trunk lines of railway in that part of Ontario, a railway which he would venture to predict would be one of the main trunk lines in Canada ere long, was now in process of construction, and would be completed to Port Elgin before the end of July next. That line would be one of the principal arteries of trade in that part of the country, and when completed would, he had no hesitation in saying, form one of the great lines of traffic through the western particular of Canada to the great North-West.

He felt sure he had only to draw the attention of the Minister of Public Works to this subject in order to elicit that hon. gentleman's sympathy and aid, for he had always shown great willingness to render assistance in matters of this kind when they were properly presented to him. If the hon. gentleman would look carefully and thoroughly into the subject, he would find that the statement he should make with regard to the value and importance of these harbours was borne out by the facts, and that the harbour was one of grave importance. He was sure the hon. gentlemen would act in the future as he had in the past, with a due regard to the public interests, and that in doing so he would arrive at the conclusion that the harbours of Port Elgin and Inverhuron were such as in the interests both of the immediate locality and the public at large should be improved and protected. (*Hear, hear.*)

**Hon. Mr. LANGEVIN** said he had nothing to add to what the hon. gentleman had so forcibly stated with regard to these harbours. He could only say that the papers would be brought down, and that the hon. gentleman might rest satisfied that the matter would be considered by the Government with every regard to the requirements of the public service. (*Hear, hear.*)

The motion was carried.

May 27, 1872

### SUPERANNUATION FUND

**Mr. JOLY** resumed the adjourned debate on the proposed motion that the House do resolve itself into Committee of the Whole to consider a resolution respecting the Superannuation Fund. He said that, as he had stated the matter at some length when he had brought it before the House on a previous occasion, he would now only sum up his remarks. He then proceeded to argue that the surplus of fifty thousand dollars, which would be at the credit of the Superannuation Fund on the 30th June, should be used in some way to benefit the civil servants in a more complete and direct manner than could be done under the present system. He did not wish to say whether the funds should be returned to the employees, as had been done in England, or whether any insurance fund should be established therewith, which would benefit the widows and orphans of the employees.

**Hon. Sir FRANCIS HINCKS** said the hon. gentleman rested his point entirely on the statement that the deductions from the employees under the present system were excessive. He (Hon. Sir Francis Hincks) contended that it was yet too early to say whether or not such was the case. The present large surplus on hand was caused by the fact that, for many months after the system went into force, there had been no cases of superannuation whatever. The larger the surplus on hand the larger would be the amount paid to the employees who were superannuated. He hoped the House would sustain the Government in opposing the motion of the hon. member.

**Mr. JOLY** asked what the hon. member proposed doing with the unexpended balance which would not be required by the Government for the use of the widow. This excess was collected from the compulsory contributions of the public servants, and he thought it only fair that they should get the benefit directly.

**Hon. Mr. GRAY** said that the whole public should bear the expense of this superannuation instead of the class upon whom it now alone fell. The public servants discharged most important and onerous duties, and were paid at the very lowest rates, and were kept at these low salaries notwithstanding the increase in the price of all the necessities of life. Labourers and workmen in the streets were manifestly paid at better rates than the civil servants. The general public benefited by the service of these people and the fortunate position in which they were placed, and it should therefore pay for the advantage it derived there from. The country's finances were in a sufficiently prosperous state to bear all its rightful objections in this respect, and he could see no reason why some plan such as was submitted by the hon. member for Lotbinière (Mr. Joly) should not be adopted. He believed that an employee after long years of service should be superannuated on a sufficient allowance, but he maintained strongly that it was the general public and not the employees themselves that should pay this superannuation.

**Hon. Sir GEORGE-É. CARTIER** concurred in the opinion of the hon. member for St. John (Hon. Mr. Gray) that the civil servants were a most industrious, capable, and laudable body of men; but

still the House could not lose sight of the fact that there was only about \$7,000 difference between the receipts and expenditures in the superannuation fund. He was told on the best authority that by the end of the next half year it was not unlikely that the demands upon this fund would exceed the income. There had been in the service several old and faithful servants who, from their great age, could not properly discharge their duties. These officers had been superannuated by the House, and the Government had been authorized to reimburse themselves by a charge of a certain portion upon the salaries of elder employees. This system had been in force some three or four years, and under it several employees had been superannuated and younger men substituted. The service had thereby much benefited, and at the same time the remaining employees had been made safe from the knowledge that they would not be left without a fitting livelihood. If it was found in the course of a few years, perhaps next year, that the present rate of four per cent charged upon the salaries of civil servants was too high, the House would have the remedy in its own hands, and could reduce the rate; but he maintained that the plan had not yet been fairly tried. Matters should be left at present as they stood, and next year the new parliament might act as it pleased.

**Mr. BURPEE** agreed that it would be better to leave the matter in its present condition at present. He had objected to the Superannuation Act at the first, as he did not believe it to be fair in its operation, and did not think that the time of service before Confederation ought to have been taken into account. He should vote against the resolution.

**Mr. CURRIER** thought it unjust and hard to deduct four per cent from the salaries of the Public Service, but on the contrary four per cent ought to be added. He thought it would be better to reduce the percentage to two-and-a-half per cent than adopt the suggestion of the member for Lotbinière.

**Hon. Sir FRANCIS HINCKS** said it would take three and a half.

**Mr. JOLY:** What about the \$30,000?

**Mr. CURRIER** said expenses had increased very much since the service was removed to Ottawa, and the salaries were not adequate.

**Hon. Mr. WOOD** thought the system differed entirely from a regular system of pensions from the general revenue, and did not think the House would ever concur in such a plan, and the Minister of Finance (Hon. Sir Francis Hincks) had never had the audacity to propose it. If the system were adopted why not extend it to the outside service, and in fact why not pension off the whole country. (*Laughter.*) It was said the civil service had served the country well; so did the members of the House, so did the merchants, the farmers, and the mechanics of the country. He bore testimony to the zeal, assiduity, the ability of the members of the Civil Service; but they were not more than many he knew in mercantile establishments, who were harder worked and not so well paid. If Civil Service gentlemen were so ill treated they should leave and not sacrifice themselves to the good of their country.



**Mr. JACKSON** agreed with the Minister of Finance (Hon. Sir Francis Hincks) that some fund should be provided for superannuation, and thought no better arrangement could be made than the act now in force. Until the plan had been longer tried it could not be decided what rate really was sufficient. He therefore moved "that in the opinion of this House it is expedient to alter the provisions of the act relating to the superannuation of officers during the present session, but that that objection should engage the attention of the new Parliament."

**Mr. JOLY** said the amendment was out of order. His resolution in no way affected the superannuation law. The question was in no way a party one, and the amendment was merely to avoid a direct vote.

**The SPEAKER** ruled the amendment in order.

**Hon. Mr. MACKENZIE** could not vote for the amendment, as it pre-supposed a necessity for action next session. If there was any such necessity it ought to be dealt with at once. The motion of the hon. member for Lotbinière ought to be met directly. He believed the present rate too high. He referred to a case in which it had been claimed that a person in New Brunswick might be superannuated on account of services paid by fees, and maintained that such was not correct under the Act.

**Mr. JACKSON** said his motion was simply to defer the matter until it could be ascertained what rate was really necessary.

**Hon. Sir FRANCIS HINCKS** in reply to Hon. Mr. Mackenzie, said he had explained that in many cases in New Brunswick and Nova Scotia persons occupied the same position as others in Ontario and Quebec, though the former were paid by commissions and the latter by salary. In the case in question, had the appointment been made after Confederation, it would have been on salary. As a rule the Act had no reference whatever to Commissioners. Many attempts had been made without success to establish a system of superannuation, and the Government knew the House would never allow a system founded on the revenue. The system had been tried in England and in other countries. He thought it premature to make any change as no greater reduction than a half per cent could be made, and it should be left a longer time before any decision could be arrived at.

The amendment was then declared carried on a division.

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## DUAL REPRESENTATION

**Mr. COSTIGAN** moved the House into committee on the Act to compel members of the Local Legislature in any province where dual representation is not allowed to resign their seats before becoming candidates for seats in the Dominion Parliament. The

House went into Committee, **Mr. MORRISON (Niagara)**, in the chair.

**Mr. COSTIGAN** moved the first clause.

**Hon. Mr. BLAKE** said there were some imperfections in the Act which it was necessary to amend before the object which the hon. gentleman had at heart would be attained. He spoke of the provisions of the law in Ontario, and said that, under the proposed bill, no member of the Legislative Assembly was disqualified from the House of Commons, for any member might be elected at the next election, and he might retain his membership during the whole Parliament, and unless he sat or voted he would not be disqualified from the Ontario House.

There were also some matters of detail in which the bill should be amended. It provided that the candidate should hand to the returning officer a certificate of the proper officer that he had resigned his seat in the Ontario House. That would be inconvenient in two ways: first, the candidate himself might be unable to hand a certificate to the returning officer, and second, the House had no power to compel the Speaker of the Ontario House to give such a certificate. He suggested a change, that the provisions should be that the returning officers should be placed in possession of a declaration, signed by the candidate, that he had resigned his seat.

**Hon. Mr. WOOD** considered that the bill gave the returning officer too much power. He thought the Minister of Justice (Hon. Sir John A. Macdonald) ought to take this matter in hand, and not allow any clumsy legislation on it. He suggested that the committee should rise, and hon. members on the Treasury benches should consult and put the bill in better shape than it was at present.

**Hon. Mr. ANGLIN** pointed out what he considered imperfections in the bill.

**Mr. MILLS** said he objected to the principle of a majority of electors entirely losing their votes on account of voting for a disqualified candidate, and cited English practice to show that the votes for a disqualified candidate should be also regarded as against his opponent. It was quite enough that elections should be declared void.

**Hon. Mr. WOOD** asked if the House was to adopt so important a measure without knowing the amendment.

**Hon. Sir JOHN A. MACDONALD** said the third reading need not be pressed

**Hon. Mr. WOOD** moved that the Committee should rise and ask leave to sit again. On this motion the numbers were counted—Yeas, 34; Nays, 37.

The Committee rose and reported the Bill as amended.

May 27, 1872

### CLAIMS AGAINST VESSELS

**Mr. KIRKPATRICK** moved the House into Committee to consider a resolution declaring it expedient to make further provisions for the collection of demands against vessels navigating certain lakes and inland waters of Canada, **Mr. RYAN** in the chair.

**Mr. KIRKPATRICK** referred to the British North America Act to show that the matter came within the jurisdiction of the House. He explained the object of the resolution, which would operate beneficially for the whole fishing interest. As to the question of the matter affecting civil rights, he stated a case in which the opposite had been maintained, and said he also had the authority of the present Attorney-General of Ontario in support of the position he took, and also that of the member for Toronto West (Mr. Harrison). The principle of claims against ships had been recently assented to by the Banking Committee of the House, in allowing banks to hold liens on ships. The Act would also allow a lien on ships on account of commissions, and he thought it very desirable that the principle involved should be allowed by the committee.

**Hon. Mr. GRAY** said even throughout the Admiralty Courts there was no claim against the ship itself, and the question was whether the proposition would not give privileges to certain clauses which were opposed to imperial policy on the subject. It was going rather far to give to an ordinary court the power of impounding a vessel, though it might seem hard that a seller should have no security for his sales. He did not desire to oppose the measure, but doubted whether it was constitutional, and thought it interfered with civil rights, and belonged to the Local Government.

**Hon. Mr. MACKENZIE** agreed with the principle, but was convinced it did not come within the jurisdiction of the Dominion Parliament. The hon. gentleman's object would probably be attained by moving in another quarter. He asked that the matter might stand till another day, when the member for Châteauguay (Hon. Mr. Holton) would be present.

**Hon. Mr. WOOD** said banks had only power over ships in accordance with the laws of the Maritime Provinces. Some time ago the member for Toronto West (Mr. Harrison) introduced a Bill respecting Bills of Lading; but the Minister of Militia (Hon. Sir George-É. Cartier) objected that the matter belonged to the Local Houses, and was sustained and the Ontario House subsequently passed it. He maintained that this case was still more clearly within the purview of the Local House as affecting civil rights.

**Mr. STREET** thought the jurisdiction should be settled before there was any further discussion. He thought a discussion would come up more properly on the Bill being before the House. He considered that the principle involved was correct, and the privileges asked for should be given. The shipping interest was very important, and should be protected as much as possible. The matter was provided for by the Admiralty Law in the Maritime Provinces, but such was not the case in Ontario, and the matter should be dealt

with by Act of Parliament. The law had worked very well in England, and it gave great satisfaction. That Canadian ships could be detained there, while in the case of ships coming to Canada there was no recourse except against the Captain. The matter should go further and exclude claims for towing, and he moved that that provision should be added.

**Mr. KIRKPATRICK** said if the resolution went through, objections could be taken on the third reading.

**Hon. Mr. MACKENZIE** asked whether the Minister of Justice (Hon. Sir John A. Macdonald) was satisfied that the matter was within the jurisdiction of the Dominion Parliament.

**Hon. Sir JOHN A. MACDONALD** said the matter was difficult to decide, and he would like to reserve his opinion until he saw the provision of the Bill. The matter was important, and had been present on Parliament again and again, and the resolutions might be adopted.

The Committee rose and reported the resolution as amended.

**Mr. KIRKPATRICK** moved to introduce a Bill founded on the resolution. Carried, and the Bill was read a first time.

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### QUARANTINE

An Act respecting Quarantines was received from the Senate and read a first time.

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### RIVER SYDENHAM

**Mr. STEPHENSON** moved the second reading of the Act to amend the Act, chapter 47 of the consolidated statutes for Upper Canada, entitled "An Act respecting rivers and streams." He explained that the object was to place the River Sydenham in the same position as other streams mentioned in the Act referred to.

The second reading was carried, and the House went into committee, **Mr. BAKER** in the chair.

**Mr. MILLS** called the attention of the Minister of Inland Revenue (Hon. Mr. Morris) to the Bill. He (Mr. Mills) had introduced a similar Bill some time ago, but that Minister suggested that it should be sent to the Committee on Banking and Commerce, and doubted also whether the motion was in the power of Parliament.

**Mr. STEPHENSON** said the two bills were entirely dissimilar.



**Hon. Sir JOHN A. MACDONALD** did not remember Mr. Mills' Act, but the present was clearly in the power of Parliament.

**Mr. MILLS** said his bill was the same as that now before the House.

The bill passed through committee and was read a third time and passed.

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#### CHANGE IN ELECTORAL DISTRICTS

**Mr. BÉCHARD** moved the second reading of the Act to detach a part of the Parish of Nôtre Dame des Anges from the County of Missisquoi, and to attach it to the County of Iberville for electoral purposes.

After some conversation in French, **Mr. BAKER** said the arguments had no force whatever, and he had received from all parts of Missisquoi remonstrances against the dismemberment of the county. He moved that the bill be read a second time this day six months. The amendment was carried on a division.

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#### CRIMINAL STATISTICS

**Hon. Mr. GRAY** in absence of **Mr. HARRISON**, moved the second reading of an act to provide for the collection of criminal statistics. He said the provisions were founded on acts in England and Scotland. He quoted criminal statistics showing that in March 1871, there were 634 convicts in Kingston Penitentiary, 39 in Nova Scotia, and 29 in New Brunswick. He then gave some of the details to show the accuracy of the statistics desired, and said it was proposed to place the latter in the hands of the Ministers of Agriculture. He had received a suggestion that the Clerk of the Peace should make the returns instead of the Sheriff.

**Hon. Mr. MACKENZIE** said there were some objections for the bill which the Minister of Justice (**Hon. Sir John A. Macdonald**) would see at a glance; in addition to which the bill was out of order, as fees would be required to pay for the statistics and could not be guaranteed from a private member.

**Hon. Sir JOHN A. MACDONALD** said that it did not follow that because one particular clause was objectionable the whole bill was so. He thought it unadvisable that the Government of the Dominion should throw work on Provincial officers, nor that the Provincial Legislature should throw work on Dominion officers, but it could not be avoided as it rested with the Dominion Government to obtain the statistics, and they could not get them except through the medium of the Provincial officers. He thought, however that the bill should not be pressed, but that the matter should be left with the Minister of Agriculture.

**Hon. Mr. BLAKE** maintained the bill to be out of order. As regarded, however, the objections of employing Provincial officers, the hon. gentleman had passed many bills which offended against the principle he found so serious the other evening. He (**Hon. Mr. Blake**) maintained that the Dominion had power to command any service from any person in the Dominion necessary for the public interest. He argued, however, that the measure should be left to the Government.

**Hon. Mr. GRAY** then withdrew the bill and the order was discharged.

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#### DIVISION OF ELECTORAL DISTRICTS

**Mr. CAMERON (Inverness)** moved the second reading of the bill to divide certain districts in the County of Inverness, Nova Scotia, and to provide for voters lists therefore.—Carried.

The House adjourned at 11.45.

May 28, 1872

## HOUSE OF COMMONS

Tuesday, May 28, 1872

The **SPEAKER** took the chair at 3 o'clock.

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*Prayers*

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After Routine,

## PARLIAMENTARY REPRESENTATION

**Hon. Sir JOHN A. MACDONALD** gave notice that on Friday night next he would ask for leave to bring in a bill respecting parliamentary representation.

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## DESPATCH OF BUSINESS

**Hon. Sir JOHN A. MACDONALD** moved:

That until otherwise ordered, the Government business and orders shall have precedence on Thursdays, and that on Government days, after the business and orders are gone through, the other business and orders of the previous day shall be taken up; and

That on Thursdays the division of time intended by Rule 19 shall not be observed; also,

That for the rest of this session, unless otherwise ordered, this House do sit on every Saturday from one o'clock p.m., and that the same order of business be observed on Saturdays as on Thursdays.

He said that as Thursday next would be a holiday the Government business would be proceeded with on Saturday, the House meeting at one o'clock, and sitting at night or not as it might seem fit.

The motion was carried.

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## SHIPPING OFFICES

**Hon. Sir JOHN A. MACDONALD** in the absence of **Hon. Mr. TUPPER**, moved that the House go into committee on Friday to reconsider the following resolution:

That it is expedient to provide for the appointment of a shipping office for seamen at each port in Nova Scotia, at which there is a custom house, and that a fee of fifty cents shall be payable on each engagement, and thirty cents upon each discharge of a seaman effected before the shipping master or his deputy, such fee

being payable by the master or owner of the ship, for or from which such seaman is engaged or discharged, a return of all such fees being made yearly to the Minister of Marine and Fisheries.

The motion was carried.

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## HALIFAX HARBOUR MASTER

**Hon. Sir JOHN A. MACDONALD** also moved that the House go into Committee on Friday to consider the following resolution:

That it is expedient to provide for the appointment of a harbour master for the Port of Halifax in Nova Scotia, to be remunerated for his services as such at the rate not exceeding \$1,600 per annum, payable solely out of the fees on vessels entering the said port, except ships engaged in the coasting or fishery trade, to be fixed from time to time by order of the Governor in Council and collected by the harbour master, not exceeding the following rates, viz: for every ship of 200 tons register or under, \$1; of more than 200 tons, but not more than 300 tons, \$2; of more than 400 tons, \$3; and for every ship of more than 400 tons, \$4. The balance, if any, of such fees after deducting his salary to be paid over yearly to the Consolidated Revenue Fund, and such fees being payable only once in twelve calendar months on any such ships.

The motion was carried.

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## CANADIAN PACIFIC RAILWAY

The Act respecting the Canadian Pacific Railway was read a second time, and on the motion of the **Hon. Sir GEORGE-É. CARTIER** the House went into Committee of the Whole, it being agreed that the resolutions adopted by the House when the matter was under consideration should be discussed at the same time.

**Hon. Sir GEORGE-É. CARTIER** moved an amendment to the first clause in order that it might be clearly expressed that the eastern terminus should be at some point near Lake Nipissing and on the south thereof.

**Hon. Mr. BLAKE** asked if this amendment would provide that the line would run between the Georgian Bay and Lake Nipissing, or on the other side of the lake.

**Hon. Sir GEORGE-É. CARTIER** said the object of the amendment was to bring the terminus near the railway system of Ontario. The lake runs from east to west, and the Government intended to express by the amendment which he had proposed that the terminus of the Pacific Railway should be on the south shore, and therefore near the Ontario railways. At present the Government could not state positively where the line would be run as the survey that had been made was merely exploratory.



**Hon. Mr. BLAKE** said that it was all very well for the hon. Minister of Militia (Hon. Sir George-É. Cartier) to say that the terminus would be south of Lake Nipissing. What he (Hon. Mr. Blake) wanted to know was whether the railway would be run south of the lake also, or whether it was intended to leave at the discretion of the Government the future selection of the route.

**Mr. WRIGHT (Ottawa County)** asked why the terminus should be fixed on the south of Lake Nipissing. The people to the northward of the lake believed that they had a right to be considered in this matter, and that no fixed terminal point should be settled but that the best route should be left to the judgment of the engineers.

**Mr. JONES (Leeds North and Grenville North)** said the Government should not concede the principle of fixing any definite point with regard to this lake any more than for any other portion of the road. If it gave any promises with respect to this part of the route it would find itself bound to concede similar promises respecting all portions of it.

**Hon. Sir JOHN A. MACDONALD** said he did not see that this was so. Ontario had a large railway system of its own which it was very naturally anxious to see connected as closely as possible with the Pacific Railway, and the Government was willing to accede to this desire. The general route of the Pacific Railway would not be affected by this concession to Ontario, although perhaps a deflection might be necessary. No promises could be made respecting any other portion of the general line of the road, as that could only be settled after more full reports and mature consideration.

**Mr. SHANLY** said that the whole Nipissing territory was within the limits of Ontario, and he could see no difficulty as to where the road lay in respect to Lake Nipissing. Some scope ought to be given to engineers who were surveying the line. He (Mr. Shanly) knew this part of the country very well, and he did not think there could be any difficulty in connecting the Pacific with the Ontario Railways, no matter on which side of Lake Nipissing the former was built.

**Mr. GIBBS** said that if there was to be any difficulty about this matter it had better be fought out first as last. (*Hear, hear.*) It was his duty as an Ontario representative to see that Ontario's interests were not altogether neglected, and he thought that Ontario would be very much dissatisfied, much more so than the Government would like, unless some security were given to it that the terminus would be on the south side of Lake Nipissing. There would be a feeling that the interests of the Province would not be sufficiently guarded unless some such stipulation were made. He wished the matter to be settled at once.

**Hon. Mr. LANGEVIN** quoted from the report of the Chief Engineer to the effect that a line from any point between the Georgian Bay and the west end of Lake Nipissing was impracticable owing to the roughness of the country; that a line

drawn up the valley of the Ottawa from a point east of Lake Nipissing seemed much more promising. To attempt the discovery of a favourable line from the westerly end of Lake Nipissing to the north side of Lake Superior, would cause great expenditure of time and money without much hope of success, and the east end of Lake Nipissing was nearer than the west end to Bracebridge, to which point the western railway system was now in course of construction.

Hon. gentlemen must see that it was not a question of preference on the part of the Government, it was an engineering question, and the instructions to the Chief Engineer were to trace a line from or near Lake Nipissing to the Pacific Ocean and nothing more. Since the question was raised the other day, he had asked the Chief Engineer whether he had received any further information which would lead him to believe that a better line could be found than the one indicated in his report, and the answer was that he had not. Before the line was finally selected, complete surveys would be made on both sides of the lake, and the best and cheapest route would be selected. He could not, therefore, say whether the line would pass to the east or west of Lake Nipissing, but it would start from the south so as to connect as nearly as possible with the railway system of Ontario and Quebec.

**Mr. WRIGHT (Ottawa County)** thought the Government had not given that consideration to the subject which its importance demanded, and in the interests of the north shore of the Ottawa River, which had hitherto been neglected, he maintained that the northern route was the best and shortest. He thought that a thorough survey should be made, and he would move that the amendment of Hon. Sir George-É. Cartier be amended by striking out the word "south."

**Hon. Mr. BLAKE** said the hon. gentleman would see that by striking out the word "south" it would not make sense.

**Hon. Sir GEORGE-É. CARTIER** as the mover of the amendment, wished the clause to remain as it was before any amendment was proposed.

**Mr. CUMBERLAND** thought the matter should be settled at once. He looked upon the first report of the Chief Engineer, which held that the Mattawa route should be selected, with great suspicion. In making a survey of this nature, the instructions should be laid down not only on engineering but on commercial considerations. In ninety-nine cases out of one hundred where instructions had been given for similar works, they were based on commercial considerations, and the engineer was instructed to make his explorations, and if there were engineering difficulties in the way that he was instructed to take the next nearest route. He was surprised that the Chief Engineer had started at Mattawa. The natural place to have started was somewhere at the south of Lake Nipissing, and if from engineering difficulties he was driven to the north side, it could not be helped. A distance of forty-two or forty-five miles from Lake Nipissing would be a disappointment to

May 28, 1872

Ontario, and he believed further surveys of this part of the country would show that the engineering obstacles were not too great to be overcome. He hoped that local prejudices would not be allowed to interfere with the settlement of the matter, but that it would be considered not simply from an engineering point of view, but with regard also to the great commercial questions involved.

**Hon. Mr. BLAKE** said it was quite obvious that the matter was in the vaguest condition at present. The amendment did not give a pledge that the line should pass on the south side of Lake Nipissing. It would pass on the north and east, and if the amendment was adopted could take a turn so as to terminate at the south. He would move that the motion of the Minister of Militia be amended by striking out the words "or near," and substituting the words "on the south shore of Lake Nipissing."

**Hon. Sir GEORGE-É. CARTIER** explained that he intended his amendment to read in that way.

**Hon. Mr. BLAKE** said the only question then was as to whether the line should go north and east or south and west, and he would move that, if found practicable, the south and west route should be adopted.

**Hon. Sir GEORGE-É. CARTIER** thought the hon. gentleman should be satisfied with the terminus on the south shore.

**Mr. SHANLY** thought the word "south" should be left out. He could not see why the line, if built on the east should hurt Ontario at all, and if one run was as good as the other, the easiest should be selected. He thought the clause should read so that the terminus should be on Lake Nipissing without specifying any particular point.

**Hon. Mr. McDUGALL (Lanark North)** thought there should be a clear understanding as to the policy of the Government with respect to the location of the road. The object of the Act, as he read it, was to connect the Pacific Coast with the railway system of Canada, so as to bring the trade through the settled portions of the country; and he thought a majority of the House would favour the shortest route which made such connection. Our railways were already being built towards Lake Nipissing, and he had no doubt they would be able to connect at some point. It was not desirable to put in the Act a provision which would compel the Government to carry the line to the south. It might not be practicable.

**Mr. JONES (Leeds North and Grenville North)** was strongly opposed to taking final steps in fixing the location in the absence of definite information. The Grand Trunk was an instance of the misplacing of a line. It ought to have been located farther inland. Supposing this line was located on the north shore of Lake Nipissing, would it be supposed that it would not be extended farther in after years? It was most absurd to say it would not. The best thing to do was to leave the question open till more definite information could be obtained from the Engineers.

**Hon. Sir FRANCIS HINCKS** said all the speakers had treated the question as though the Government were going to build the road, whereas it was to be built by an incorporated company, and the original proposition was that the Canadian Pacific Railway was to connect with the railway system of Canada, but it was necessary to fix on some common point by which that object could be attained. Hence the selection of Lake Nipissing. The words of the proposition were doubtless at first necessarily vague, but the object was to select a point from which the line could be constructed in the cheapest and most direct manner.

**Hon. Mr. BLAKE** said it was quite true that the line was to be built by a private company, but the interests of the country must be guarded. We were making a blind arrangement by agreeing to give a bonus before the route was definitely settled.

**Hon. Sir JOHN A. MACDONALD** said it seemed that the hon. gentleman could not refrain from drawing imaginary conclusions from the remarks of the Minister of Finance (Hon. Sir Francis Hincks). The hon. gentleman knew quite well that it was the interest and desire of the Government and of every government to get the best line for the country. They could have no other object. They had no other object. If every individual of the present Government were out, and gentlemen opposite were in office, those gentlemen would feel the same obligation as the present Government to do the best they could and get the best possible line. The Minister of Finance was quite right in saying that it was of great consequence that the Government and the Company should work together; but the Government were responsible to the country, and if the Company would not agree to the terms the Government thought proper in the interests of the country, they would not get the contract.

The point before the Committee was simply this, that from the present information it was not known whether a satisfactory or good line could be got running to the south of Lake Nipissing. The Engineer did not think that such a line could be got. That might be or it might not. The Minister of Public Works had already stated that the Government would see that exhaustive explorations were made before the point was decided, and that the decision would be guided by such explorations, and by the consideration of the interests of the whole Dominion.

There was a subordinate yet important question as to the connection of the line with the railway system of Ontario, and that could be secured whether the line ran to the north or to the south of the lake, by making a connection down to a point south of Lake Nipissing. That was only a matter of justice to the people of Ontario, who would have to contribute so largely to the construction of the railway, so that while the line must be settled in the interests of the whole Dominion, it must be brought down to a point where it could connect readily with the Ontario system of railways.

**Mr. Hon. MACKENZIE** said the House had had experience of confiding in the Government in a matter of this kind. In the case of



the Intercolonial they took the very worst route possible—(*Loud cries of "No, no"*)—and there was no reason why the same might not be done again. The true policy was for the House to determine, as far as possible, the route of any great work. On a previous evening it had been moved that, until the survey was complete, and the House had chosen the route, no contracts should be given out, but the House deliberately rejected that proposition and it now proved that the line would probably commence at a point forty-five miles north of Lake Nipissing, and that a branch line would be run down to touch the south corner of the lake to connect with the Ontario Railways. That plan would increase the distance from Toronto and other points on the lake by some fifty or sixty miles and the object of the amendment was to run the main line to the southwest of Lake Nipissing, even though the main line might have to be lengthened.

An increased distance of fifty to sixty miles was very serious and would operate very prejudicially to the country. The elevation of Lake Nipissing above the Georgian Bay was only some sixty feet, and if so there would be no serious difficulty in traversing the southeast shore of the lake. Nothing was known of the country to the south of the lake except from the experience of a few surveyors who had made a hurried journey through the country, and there was no reason to doubt that a practicable line could be found in that direction. Mr. Fleming's report pointed out that the rough country was between Lake Nipissing and the northern bend of Lake Superior. The line could not go, however, to the northern bend of Lake Superior. It was exceedingly necessary and desirable that the House should declare explicitly as to the course of the line, and it was of immense importance to the people of Ontario.

**Hon. Mr. McDOUGALL (Lanark North)** asked whether the hon. gentleman would desire to bind the Government to construct the line to the south of the lake, when it might be impossible to do so.

**Hon. Mr. BLAKE** said his amendment stated that such should only be done if practicable.

**Hon. Mr. WOOD** said the main inducement to the people of Ontario to increase the great expense involved was the hope that the line would connect with their railway now proceeding northward to Lake Nipissing, and it was always understood that the eastern terminus of the line should connect with the railway system of Canada. No one could say that the route along the south shore was impracticable; indeed, as he understood it, the difficulties were further west, on the north shore of Lake Superior, and by a curve the same route as would be traversed by running to the north of Lake Nipissing would be reached in a short distance westward of that lake. It must be borne in mind that the advantage of the railway would depend on the facilities with which it could be reached from the settled portions of Canada, and if the route on the south shore were impracticable how could the main line be reached by any railway from Ontario? If Ontario were compelled to contribute five-ninths of the interest on the whole debt incurred in the construction of the railway, she would not give her land unless satisfied with the

route which the railway would traverse, and the House should understand that.

The members were then counted on the **Hon. Mr. BLAKE'S** amendment, with the following result: Yeas, 32; Nays, 43.

**Hon. Mr. BLAKE'S** amendment was therefore lost, and **Hon. Sir GEORGE-É. CARTIER'S** adopted.

**Mr. De COSMOS** said he would now desire to call the attention of the Committee to the western terminus of the line. It would be seen that the wording of the measure would admit any arm of the Pacific being considered the Pacific Ocean for the purpose of a terminus for the railway. At the time of the Union one of the delegates to Canada, on his return to British Columbia, maintained that the Pacific Ocean, referred to in the terms of the Union, meant the Pacific above and west of Vancouver Island; while another view of the matter was that the terms referred to any point of the ocean. If the committee would refer to the map they would see the difficulties the railway would have to encounter in a commercial sense if the terminus now proposed were adopted. From the distance given in the report of the Minister of Public Works, it would be seen that Victoria was ninety miles nearer the Pacific than Burrard Inlet. Immediately opposite to Victoria was the westernmost harbour of the United States, and if the Canadian Railway terminated at Burrard Inlet, it would be at a great disadvantage compared with the Northern Pacific in doing business with other countries.

Another point raised in British Columbia was that, in case no other route should be found practicable than the railway following the valley of the Fraser, it was asked and demanded that a line of railway should be constructed on the east coast of Vancouver Island, and he desired to ask the Government whether they would construct such a line under these circumstances, connecting Nanaimo with Victoria, and, in case the railway should reach the Pacific at Bute Inlet, whether they would extend the line of railway along the east coast of Vancouver Island and consider that extension an integral part of the Pacific Railway. This was very important to the section of the country he represented.

**Mr. NELSON** said the hon. gentleman had taken the ground that the railway was to terminate on the Pacific Coast, and that a terminus on the island waters between Vancouver's Island and the main land was not the Pacific coast, and at the same time he advocated that the line should be taken to Victoria or Esquimalt.

**Mr. De COSMOS** said he had merely stated that one view taken was that the Pacific Ocean, intended by the terms of union, was some point west of the Straits of Juan de Fuca.

**Mr. WILLSON** said if that view was taken the ideas of making the terminus at Victoria or Esquimalt must be given up. The question was not whether the terminus should be at Victoria or at some point on the outside of the Island, but where it should be in the interests of the Dominion. It was argued that great advantages would be gained in making Victoria or Esquimalt the terminus; but

May 28, 1872

the only argument was on the ground of a great eastern trade. It would be seen, from the distance given in the report of the Minister of Public Works, that from the mouth of Juan de Fuca Straits, Esquimalt was distant at least eighty miles, while Burrard Inlet was 140 miles distant; so that there was only a difference of sixty miles, which was nothing compared with the great distance across the Pacific. If the terminus were at Burrard Inlet a very slight divergence would effect a connection with the American system of railways. The terminus of the Northern Pacific Railway was to be at a point not thirty miles distant from New Westminster, and a tremendous advantage would be gained by placing the Canadian line in immediate connection with the American lines. If the line was carried to the north of Bute Inlet that advantage would be lost, and it could only be carried there with the intention of extending it to some point on the Island, for that inlet was at least 160 miles north of Burrard Inlet. Mr. Waddington's pamphlets showed clearly that the cost of constructing a line to Victoria by way of Bute Inlet would be something like \$20,000,000, and the Government would not incur such an expense for the small advantages of a gain of about sixty miles in the eastern trade. If the line were carried to the north of Bute Inlet, it was carried away from the best portions of British Columbia and from the largest expanse of navigable waters in the Province.

He desired to refer to the San Juan question, which had been very much overrated. The only value of that question was in its military aspect. Now Burrard Inlet could be made a second Sebastopol, and in the event of war with the United States could be made impregnable. He apologized for keeping the House so long, but hoped it would be seen that Victoria as a terminus was one of the most exposed possible, while Burrard Inlet could be made impregnable and that a railway to Burrard Inlet would pass through the best portions of British Columbia, and would also connect with the American railway. *(The hon. gentleman was cheered heartily on taking his seat.)*

**Hon. Mr. LANGEVIN** said the western terminus had not been decided upon, because they had not determined on the exact route, and proceeded to explain, in reply to the remarks of the member for Victoria (Mr. De Cosmos), when,

**Mr. De COSMOS** said the question he wished to put was whether, in case the engineers and the Government decided that the railway shall reach the Pacific at some point on Johnstone Strait, the Government would undertake to construct a line of railway from that point to Esquimalt.

**Hon. Mr. LANGEVIN** replied that the Northern Pacific Railway ended at Puget Sound, and the competition which that line will make with the Canadian Pacific Railway renders it desirable to select a terminus that will put us in the best possible position for competition with the American railways. If it should be decided that we can cross Seymour Narrows or Johnstone Strait with a railway train, there can be no doubt that the interests of British Columbia and the Dominion as a whole will be better served by adopting that route. It will give us a good harbour on the Pacific and place us in the best possible position with the American railways. If a railway

bridge cannot be built over Seymour Narrows or Johnstone Strait, the question will be to see whether a ferry cannot be maintained to carry across. Mr. Waddington's name had been mentioned in the public documents that gentleman published before his death. He argued very strongly in favour of a steam ferry across Johnstone Strait. He thought that one bridge might be built, but for the larger reach a ferry might be necessary.

The next point was whether, if practicable, the railway should be taken to Burrard Inlet. He had no doubt that the government would consider it necessary to bring the railway to that point. The object was to bring the railway to the nearest point on the Pacific, and the nearest point to compete with the American railways, but it has not yet been decided whether a proper crossing can be obtained at Seymour Narrows. Examination and surveys are now going on.

**Mr. De COSMOS** said the explanation was quite satisfactory in one respect, but he wanted to know whether the Government was prepared, in case the railway should start at Burrard Inlet, to construct a branch line from Victoria to Nanaimo, and in case they take the Straits whether they will cause a line to be constructed along the east coast.

**Hon. Mr. LANGEVIN** replied that the intention of the Government was to go to Esquimalt; but of course if it was impracticable they could not go, and should the railway be carried to Burrard Inlet, a ferry will be established and a line will be carried to Esquimalt as part of the railway.

**Mr. De COSMOS** expressed himself perfectly satisfied with the explanation made.

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## AFTER RECESS

The House again went into committee on the Pacific Railway Bill.

The first clause of the Bill, as amended, was adopted to the following effect:

A railway, to be called "The Canadian Pacific Railway," shall be made in conformity with the agreement referred to in the preamble to this act, and such railway shall extend from some point on or near Lake Nipissing, at the south shore thereof, to some point on the shore of the Pacific Ocean, both the said points to be determined by the Governor in Council, and the course and line of the said railway between the said points to be subject to the approval of the Governor in Council.

Upon the second clause being put,

**Hon. Sir GEORGE-É. CARTIER** said it was his intention further to amend the bill so as to embody the amended resolution adopted in committee of the whole with regard to the money subsidy, by providing that the payments should be made in installments according as the railway progressed, taking into account the difficulties and costs of construction of the various sections. Another amendment he had to propose was with regard to the company to be incorporated by the Government in case an



agreement could not be made with any company incorporated by Parliament this session, or any amalgamation of such companies. It was to the effect that any company with which the Government might deal, and which might receive a charter afterward, should have a capital of at least ten million, ten per cent of which amount should be paid in. As in the other case, he made this amendment because of a remark he had seen in one of the papers—the *Montreal Gazette*, he thought it was—where it was very correctly stated that the Government, if it gave a charter to any company not authorized by Parliament this session, should not enter into an arrangement with it upon more favourable terms than it would be willing to grant to a company, or amalgamation of companies, authorized by Parliament.

The last amendment he would propose was with regard to the grant of lands in aid of the branches, and was in the sense that had been suggested by the hon. member for Durham West (Hon. Mr. Blake). The amendment would restrict the amount of land which it would be in the power of the Government to grant for aiding the construction of the Manitoba branch to Pembina and the Nipigon branch to some point on Lake Superior.

**Hon. Mr. BLAKE** asked whether it was intended with regard to the last named branch, to propose that lands should be granted to aid it in alternate blocks.

**Hon. Sir GEORGE-É. CARTIER:** No, because there is no good land in that region to be given, and the grants in aid would have to be made elsewhere. Besides, with regard to the Lake Superior branch, it might be found that the lands were, to some extent, within the Province of Ontario, and the Government would have to trust to the liberality of the Government of that Province to grant lands to assist the company to build the road. (*Hear, hear.*)

**Hon. Mr. BLAKE** enquired whether it was expected that the company with which the Government may agree would use its own capital in the construction of the road, for in that case there should be some provision for the payment of a larger sum than one million. As they stood, the provisions were of a singular character: There was to be ten millions of subscribed capital, which invited the idea that the Government expected the Company would spend that amount of its own funds, but it was only required that one million should be paid in. Having regard to the gigantic character of the undertaking and the cost of working the road when finished, he confessed that a capital of ten millions was a very small guarantee of the ability of the company to perform the work, but if it was small as a guarantee it would be still further reduced if only a tenth of it were required to be paid in. The money was to be placed in the hands of the Receiver General, and that being the case he presumed it would be used. He did not, however, see any provision in the bill for the re-payment of the money to the Company, and he would ask whether it was the intention of the Government to retain it or not.

**Hon. Sir GEORGE-É. CARTIER** said the Government was bound to take care that an arrangement was made with a bona fide

company composed of shareholders who would not be sham shareholders. As to fixing the amount to be expended of the capital stock of the Company, it would be quite impossible for the Government to do that now. The Government exacted the payment of one million into the hands of the Receiver-General, and as to the expenditure of the remaining nine millions, that would be a matter for consideration between the Government and the Company.

**Hon. Mr. BLAKE** asked what was to become of the one million deposited with the Receiver General.

**Hon. Sir GEORGE-É. CARTIER:** Why, of course it will be deposited with the Government. (*Laughter.*)

**Hon. Mr. BLAKE:** Forever?

**Hon. Sir GEORGE-É. CARTIER:** We don't know; the Government will have the million, and it will remain pending the action of the Company.

**Hon. Mr. BLAKE:** Then am I to understand that the Government will have it one day, but that it may return it to the Company the next?

**Hon. Sir GEORGE-É. CARTIER:** You may depend that that will not take place.

**Hon. Mr. BLAKE** said that it might or might not be returned; but it might be safely assumed, from anything that appeared in the bill to the contrary, that the Government would have the power to return the money. The House was then afforded another illustration of the absolute truth of the proposition of the hon. gentleman opposite that "the Governor in Council was a great institution." (*Laughter.*) The hon. gentleman might have omitted all the propositions he had claimed credit for having inserted in the bill, for they were entirely illusory, if it was to be understood that the money, after remaining in the possession of the Government a short time, was to be handed back again. The practical result would be that it might be paid back to the Company immediately, and that the road might be constructed, or partially constructed, upon the resources of the government, without any expenditures of the resources of the Company. Then, when the day came—if the day should unfortunately come—when the resources handed over to the Company were exhausted, the most expensive part of the work might still remain to be performed, and the Government would have nothing to fall back upon except to ask for further appropriations.

**Hon. Sir FRANCIS HINCKS** presumed the next pretension put forth by the hon. gentleman opposite would be that the Company would have no money at all, and that the Government would make an agreement with it upon that understanding. (*Hear, hear.*) The provision required the payment of 10 per cent of the capital. Instead of being illusory, as the hon. gentlemen would make it appear, it was a more strict and rigorous precaution than the Government had ever insisted upon before. How often had characters been given on condition that a certain per unit of capital should be paid into the

May 28, 1872

bank, a condition which sometimes turned out to be worthless? In this case the Government required that the money should not be paid into a bank but placed in the hands of the Receiver-General, and the very object of that proviso was to prevent practices of the kind the hon. member had suggested. Yet, when the Government insist upon such extreme and unusual precautions, hon. gentlemen opposite tortured that into the appearance of an act intended to delude the House and country, in retaining the power of handing back the money to the parties when it pleased. (*Hear, hear.*)

It would be quite impossible for a company to undertake this work under the provisions of the Bill without having money of its own with which to carry it on. It would have to procure money somewhere, and the sum of ten millions mentioned on the capital was the minimum amount which would be required. There was nothing to prevent the company having twenty, thirty or forty millions of capital. They only required that it should have at least ten millions before the first step was taken, ten per cent of which would have to be paid in. It was quite clear to any member of the House, according to the terms of the bill, that it would be altogether impossible for the Company to go on without capital obtained, either by subscription of stock or by bonds issued upon the joint security of the land grant and the money subsidy to be given by the Government. It was quite clear also that the money must be at the credit of the Company, for it would not get the money from the Government until it was in a position to claim it. (*Hear, hear.*)

**Mr. De COSMOS** said that, considering there were two thousand seven hundred miles of railway to be constructed in order to compete this road, it would, in his opinion, be far better if the Government were to make arrangements with several companies instead of one. Hon. gentlemen opposite had spoken a good deal about the enormous cost of this work, one of them putting it down at no less a sum than one hundred millions. He was prepared to say that, small as the population of British Columbia was, the people of that Province were quite willing to come forward and offer material guarantees to build one-half of the railway.

**Hon. Mr. HOLTON** [ironically]: *Hear, hear.*

**Mr. De COSMOS** said that what he heard from the opposite side only confirmed a belief he had begun to form that hon. gentlemen on that side mistook party for patriotism or else were quite ignorant of the mode of constructing railways on this continent. (*Hear, hear.*) He for one was willing to cast his lot with the Government in this matter, and while he would have preferred that an undertaking of such magnitude should have been divided among several parties, he considered it his interest and his duty, not only as a British Columbian but as a Canadian, to sustain the Government measure, and to vote for it first, last, and all the time. (*Cheers and laughter.*)

**Hon. Mr. MACKENZIE** thought there were other interests to be consulted as well as those of the Province of British Columbia. He asked whether it was intended to require from the Company any security that the work would not be abandoned, if it should be

found to be unprofitable. Upon the Intercolonial Railway, contractors had performed those parts of the work which paid best, leaving the rest in the hands of the Government to be relet at higher rates. Was there to be any guarantee that the same thing would not be done upon the Pacific Railway?

He had taken it for granted that the deposit of one million was intended as a substitute for the personal bonds which were usually required from contractors, and if he was correct in that view the money would have to remain in the hands of the Receiver General until the road was so far completed as to render it reasonably certain that it would be finished and not forsaken by the Company when the public subsidies were exhausted. If that was the intention of the Government it would be only reasonable to make a change in one of the clauses to that effect.

**Mr. ROBITAILLE** said that before the recess the hon. member for Lambton (Hon. Mr. Mackenzie) had stated that Major Robinson's route for the Intercolonial Railway was the very worst that could have been adopted. In the debates upon Confederation, however, the hon. gentleman had told a different story. He (Mr. Robitaille) went on to read, amid great laughter from both sides of the House, an extract from the speech in question in which the member for Lambton highly extolled Major Robinson's route as being the most practicable and as passing through a country rich in lumber and other valuable resources. He then proceeded to say that since that speech had been delivered, the hon. gentleman had, session after session, asserted in his dogmatic way that the route was the worst that could have been selected, and that it passed through a country where there was nothing but rocks, and which was quite unfit for settlement. Surely consistency was a great jewel. (*Cheers.*)

**Hon. Mr. MACKENZIE** said that speech had been read so often—(*Laughter*)—that he was quite sure everybody must know it by heart. It had been delivered in 1865, when the only report upon the route was that by Major Robinson, and when the facts he had stated were collected from that report. It was the only source of information upon the subject at that time; but since then there had been reports by Sandford Fleming, by Wilkinson, and by Buck, which showed that the route was much longer than another that was found to be impracticable, and that the character of the country through which it passed was of an entirely different character from that represented by Major Robinson. He had no hesitation in taking the responsibility of saying at this moment that that speech was entirely correct at the time when it was delivered. (*Great laughter.*) The position was altogether changed, however, when further surveys were made, and what he blamed the Government for was that it adhered to the route after it had been conclusively shown by the reports of other engineers that it did not possess the advantages that he believed it did possess when there was only Major Robinson's report to guide one's judgments in the matter. He maintained that he had been consistent throughout, and no matter how often the speech might be quoted against him, he would be prepared with a satisfactory explanation.



**Hon. Mr. McDONALD (Middlesex West):** What was the hon. gentleman's route if Major Robinson's was not?

**Hon. Mr. MACKENZIE** said his view as to the proper route had been presented in the resolution he had submitted to the House at the time. He had held then that the Government should not be entrusted with such large powers of constructing a railway until a route had been selected and approved by the House, and he took the same ground now in regard to this Pacific Railway.

**Hon. Mr. ANGLIN** said, as allusion had been made to the Intercolonial Railway, he felt it was his duty to say that on that occasion he had voted in favour of placing the selection of the route in the hands of the Government, and he had not had any reason to regret his course. Acting on the same principles when the question came up with regard to the Pacific Railway, he again voted in the same manner, so satisfied was he with the action of the Government on the previous occasion. (*Hear, hear.*) And another reason why they should have the power in this case was that the House was not in possession of sufficient information to enable them to determine on a route, nor could we now determine where the terminus should be. He had no doubt that the hon. member for Lambton (Hon. Mr. Mackenzie) acted in perfect good faith with the information he then had in advocating the North Shore route of the Intercolonial.

For the information of the House he might say that a great part of the land along the road was of a very superior description. The member for Lambton, when he visited that country had not penetrated the better part of it. He (Hon. Mr. Mackenzie) had said that between Bathurst and Montana, a distance of 150 miles, there were not ten miles fit for cultivation; but he was entirely mistaken. There might be some land of a swampy and inferior nature, but there was as good land in the neighbourhood as any in the Dominion, particularly in the county of Kent. The county was not such a barren wilderness as the member for Lambton had represented it to be.

**Hon. Sir JOHN A. MACDONALD** said that as the member for Lambton (Hon. Mr. Mackenzie) had had an opportunity of proving his consistency, it would be as well to go on with the discussion of the Bill before the Committee.

**Hon. Mr. MACKENZIE:** There was no necessity.

**Mr. WRIGHT (Ottawa County)** thought the Government had been maintained in altering the clause respecting the terminus of the railway. (*Laughter.*) He complained that the chairman had declared the clause carried without putting it fairly before the House.

The **CHAIRMAN** explained that the clause had been properly put and carried.

**Mr. WRIGHT (Ottawa County)** maintained that it had not been put in a proper manner. (*Cries of "Chair, chair!"*) This question was of greater importance to that section of the country

decidedly interested than most people seemed to imagine, and all that he desired was fair play.

**Hon. Mr. BLAKE** rose to a point of order. He understood that the clause was carried. The hon. member was therefore out of order.

**Mr. WRIGHT (Ottawa County)** would move, that the clause be reconsidered. (*Laughter.*)

**Hon. Sir JOHN A. MACDONALD** said the hon. gentleman would have an opportunity of expressing his views on the reception of the report, and also on the third reading of the bill.

**Mr. WRIGHT (Ottawa County):** I will indulge that opportunity to the full. "We will meet again at Philippi." He regretted that there should have been any appearance of unfairness in carrying an important clause by a trick. (*Cries of "Order, order."*) He would say it emphatically, and would appeal to his friends from Lower Canada if that was not the feeling.

**Mr. YOUNG** would simply remark, that his information did not lead to the conclusion that the land for the line of the Intercolonial was as good as it was represented by the member for Gloucester (Hon. Mr. Anglin). He happened to know a contractor who had travelled over the road, and who had given his opinion that on more than one hundred miles he could not grow potatoes sufficient for ten Irishmen. (*Laughter.*)

The second clause, providing how the line shall be made and worked, the capital of the Company and the time limited for the construction, was then adopted.

The third clause was then put, providing for a land grant not exceeding 50,000,000 acres in alternate blocks of twenty miles in depth on each side of the line, or if such blocks should be less than 50,000,000 empowering the Government to make up that quantity elsewhere, and providing also that in Ontario the land grant should be such as might be agreed upon with the Government of that Province, the land to be granted from time to time according as the railway was constructed, and in quantities proportioned to the length, difficulty, and cost of construction of each portion.

**Hon. Mr. MACKENZIE** said it would be observed that the terms of this clause did not limit the size of the blocks of land to be granted. It merely stated that they should be twenty miles in depth, but it did not give the length of the blocks along the line. It was quite evident that the phrases "alternate blocks," "blocks twenty miles in depth," might be construed as being in one place thirty miles in length and in another ten miles. It might give the Government power to give an immense quantity of valuable lands in one place to the company, while in another place where the land was of an inferior quality, blocks of a smaller size might be allotted. He thought it should be provided that the blocks should be of one size, and opposite each other on both sides of the line.

May 28, 1872

**Hon. Sir GEORGE-É. CARTIER** would state that this question of frontage had been duly considered by the Government, and as it was impossible for the Government or the House at this moment to know precisely the character of the land along the line, the Government had not thought it advisable to fix the frontage. In some localities the land might be worth a good deal, while in others it might be worth nothing at all. As the hon. member had raised the objection, the Government would take it again into consideration and when the report was received they would state their decision to the House. If they did not come to the conclusion to alter the clause with regard to frontage, the hon. member could then propose what course in his opinion should be adopted. There was another reason, having regard to the portion of the railway which would run through the Province of Ontario. As he had stated, the Government relied on the grant of alternate blocks by the late Ontario Government, but then the present Government of Ontario might not follow up the understanding. The matter would probably be a subject of communication between the two Governments, and as a matter of course, the frontage of the blocks on that portion of the line running through Ontario would be for the decision of the Ontario Government. For all these reasons, it had been thought better not to give the frontage at this moment.

**Hon. Mr. BLAKE** said, as to the difficulty of the character of the land being unknown, he supposed it was not intended that either the company or the country should get all the bad land, and the best plan would be to fix the size of the blocks, but it should be provided that the blocks owned by the company on the two sides of the line should not be opposite each other.

**Hon. Sir GEORGE-É. CARTIER** said the bill provided that the blocks of the different sides should not be opposite.

**Hon. Sir JOHN A. MACDONALD** asked whether he understood aright that blocks of ten miles in length would be an acceptable arrangement.

**Hon. Mr. BLAKE** acquiesced.

**Hon. Mr. MACKENZIE** thought ten mile blocks would be reasonable, so that townships of ten miles square each might be formed. He thought there should be a provision for a uniform survey of the lands, both of the company and the Government, so that there would be no confusion.

**Hon. Sir GEORGE-É. CARTIER** said that the lands could not be given till surveyed.

**Hon. Mr. MACKENZIE** meant subdivision for purposes of sale.

**Hon. Mr. BLAKE** said no provision was made as to how the expense of these surveys should be borne.

**Hon. Sir GEORGE-É. CARTIER** said the surveys now being made were at the expense of the company as they would form a part of the subsidy. He thought it would be fair that the Government should bear the expense of laying out the blocks, while all subdivisions of their blocks must be made by the company.

**Mr. De COSMOS** in speaking of the construction of the line by a company was called to order by **Hon. Mr. WOOD**, who said the principles should not be discussed at every clause.

**Mr. De COSMOS** said he should state his views on the subject, as he believed the Dominion had a future, though the ex-Government of Ontario might have no future. He believed that the blocks given to the Company on the two sides of the line should not be immediately opposite to each other. In the United States the price of the lands was limited and the time within which they could be sold so as to limit the power of the company as against the actual settler, and he believed a similar provision was advisable in the present case, and would prevent future grievances. As far as British Columbia was concerned, he desired to ask that the Government would not give anything more than the alternate sections, as he believed anything else would inflict serious injury and retard, instead of advancing, settlement. He would leave the matter in the hands of the Government. If there was one question that was rising before the English-speaking people of America, it was the land question. The land ought not to be handed over to any railroad monopoly to the injury of actual settlers; and he hoped the Minister of Militia (**Hon. Sir George-É. Cartier**), whose patriotism was so well known, who contributed so largely to the bringing about of the union of British Columbia with Canada, and who now had this railway in hand, would use this influence to protect the western portion of this continent as against any railway company that would grasp all the land and make settlers mere hewers of wood and drawers of water.

**Hon. Mr. McDOUGALL (Lanark North)** thought it would be well for the Government to consider the importance of the question, that the grant of land proposed to be given to the railway company was one of the means for the construction of the work. The distribution of the land was an important consideration, and every condition imposed on the company not absolutely requisite in the public interest and which involved expense, was so much taken out of the fund to complete the road. The argument of the member who had just spoken (**Mr. De Cosmos**) was no doubt worthy of consideration, but in the United States the system of land grants to railways had been carried to an enormous extent. In the present case it was proposed to aid a company to construct the line, and so take it off the hands of the Government, and it must be considered whether the means placed in their hands were sufficient to enable them to do the work within a reasonable probability. Looking at the question from this point of view it would be admitted on all sides that the aid would nearly amount to a sufficient sum to construct the line, and a considerable portion of money must be found from some other source, and, therefore, conditions imposed on the company, involving expense on their part, would lessen the means for the



construction, and would have to be supplemented in some other way.

As to the survey, he did not think it expedient to impose any conditions on the company, for they must sell their blocks, and they would probably find that they would be able to dispose of tracts of land to companies for the purpose of placing emigrants on the land, and it might then be found that some system of subdivision would be more proper, and would answer the purposes far better than any iron rule laid down in the bill. The work must be carried through, and if the company failed, the Government would have to take the matter up, and therefore it was inexpedient to do anything further than was necessary in the public interest in imposing conditions on the company. He differed from the idea that it was necessary to limit the blocks to a uniform length of ten miles, as it might prove more convenient to make them of different sizes in some places, and it could make no difference if the blocks received were the same size. The strip of twenty miles was most insignificant compared with the enormous tract of country at the disposal of the Government, and the country would be very glad to give the whole strip of twenty miles on the other side, if that would secure the construction of the railway.

**Hon. Mr. WOOD** said he understood the member for Victoria (Mr. De Cosmos) to advocate some limitation of the price at which the Company should dispose of the lands and the time within which the land should be disposed of. He referred to a proposition moved on a former occasion by Mr. Young to reserve the right to deal with the blocks reserved for the Government, when one of the first who jumped up to negative the motion was the member for Victoria, and yet he now wanted the Government to limit the disposal of lands.

**Mr. BODWELL** understood that the Government were empowered, in addition to these blocks along the line, to grant 16,000,000 acres of land, and were not limited as to where they should be selected. He suggested that the Government should grant this land also in alternate blocks.

**Hon. Sir GEORGE-É. CARTIER** said he had already explained that by the Government giving the alternate blocks to the company, and retaining blocks of the same dimensions to the depth of twenty miles on each side of the line, it would make the company only thirty-five million acres. If you go beyond that quantity, the measure proposes that other land elsewhere at the disposal of the Government may be given to the company, provided that a like extent of land should be set aside by the Government in order, by the disposal of that land, to recoup the money subsidy advanced to the company. Therefore, the Government must take care, if it should give such grant elsewhere than alongside the railway, to see that the land retained is of like value to that given to the company building the line. The Government could not be very specific in any expressions on the subject, as they could not say where the land would be, but the proposition of the hon. gentleman should receive their consideration.

The clause was then carried, and the fourth clause was put. It provides that the subsidy or money aid to be granted to the company shall be payable in such manner and upon such terms and conditions as may be agreed upon by the Government and the company, the total amount not to exceed thirty million dollars, and the Governor in Council is authorized to raise by loan such sum required, not to exceed thirty million dollars.

**Hon. Sir GEORGE-É. CARTIER** moved in amendment to the effect that the subsidy provided for in this section shall be granted from time to time by installments as any portion of the railway is completed, in proportion to the length and engineering difficulties.

**Mr. JOLY** quoted from the Toronto Leader of last year to show that the House had been told that no increased taxation would be necessary to provide for the money subsidy, and that the Government had stated that the subsidy required would be twenty-five million dollars, but they had in one year increased it to thirty million dollars.

**Hon. Mr. BLAKE** further called the attention of the House to the statement of the Finance Minister (Hon. Sir Francis Hincks) last year that they could raise the money at five per cent, but this year he had increased the amount by five million dollars, and told them that, but for the fortunate bargain he had succeeded in making, they would have had to pay six per cent.

**Hon. Sir FRANCIS HINCKS** denied that he or any other member of the Government had said that the road could be built for twenty-five million dollars. The other side of the House had said it would cost one hundred million. As to the rate of interest, there was no doubt that the five per cent bonds were at par; but it would be utterly impossible for anyone to say, until they might go into the money market, at what rate they could raise a loan. He certainly had said that it would make a most material difference whether they got the Imperial guarantee or not.

**Hon. Mr. BLAKE** wanted to know why it was that \$30,000,000 was demanded this year, when Ministers had stated last year to the House and the country, and carried resolutions on the faith of that statement, that they would only require a money subsidy of \$24,000,000.

**Hon. Mr. TILLEY** said it was exceedingly difficult to please his friends opposite. Considering their statement of last year that the road would cost one hundred million dollars, they ought to be grateful to find that the maximum asked was thirty millions.

**Hon. Mr. MACKENZIE** maintained that the road would cost one hundred million dollars before it was completed. The land had been valued at from one to two dollars an acre; he was not prepared to place a value upon it, but the fifty million acres of land and thirty millions would certainly exceed one hundred million dollars.

May 28, 1872

**Hon. Mr. TILLEY** called the attention of the House to the fact that, by the estimate of the member for Lambton (Hon. Mr. Mackenzie), the land would bring a dollar and a quarter an acre. Allowing that to be the case, the fifty million acres reserved by the Government for the thirty million subsidy would be a very profitable speculation to the country.

**Hon. Mr. MACKENZIE** believed it would be better and cheaper for the country to pay more money and give less land. He would, at the proper time, propose an amendment, which would show his views on the matter.

**Mr. JONES (Leeds North and Grenville North):** If the road is to cost one hundred millions, the amount will have to be raised either by a large subsidy of land or increased taxation.

**Mr. JOLY** quoted extracts to justify the statements he had made to the amendment, which the Government had last year stated would be the estimate, which was twenty-five millions, and now thirty millions was asked.

**Hon. Sir FRANCIS HINCKS** explained that it was perfectly well understood last year that the amounts given in the absence of any definite information were necessarily in round figures.

**Hon. Mr. WOOD** could quite understand that the twenty-five million dollars was a rough estimate. He was of opinion that the road, when complete with rolling stock, & c., would cost one hundred and fifty millions.

**Hon. Mr. McDougall (Lanark North)** was surprised at the anxiety of the hon. gentleman. He referred to the one and a half millions which the Parliament of Ontario had given to railways, and which the hon. gentleman had thought quite too much; but when they had come into power they had changed their views and had given four millions. No doubt they were right. By and by, as they got more practical acquaintance with the route, a larger sum than was at present estimated would be required to complete the Canadian Pacific. The amount asked for was merely an estimate, and it was at present mere speculation. The object now was to make a beginning, and if more money were required no doubt it would be given. The member for Lambton (Hon. Mr. Mackenzie) had complained of the grant of money and also of the grant of land. That gentleman held a prominent position in the House, and as an honest public man should bring forward an alternate proposition. It would not do for gentlemen to hold in their hands and keep back from the public some grand scheme, and to tell their constituents that they would have done this or that.

**Hon. Mr. MACKENZIE** repudiated the doctrine laid down by the hon. gentleman for Lanark North (Hon. Mr. McDougall). He (Hon. Mr. Mackenzie) would like to know what counter proposition the hon. gentlemen opposite him had ever brought in when they were in Opposition.

**Hon. Sir FRANCIS HINCKS** admitted that the hon. gentleman who had last spoken was right. It was very fortunate for hon. gentlemen opposite that this was the case. Hon. gentlemen had nothing to do but to find fault in order to lead some deluded people to believe that, if they were in power, they would come forward with some good scheme.

**Hon. Mr. ANGLIN** was satisfied that every shilling the road would cost must be paid out of the means of this Dominion.

Clause four was adopted and clause five was put. It provides that the gauge of the railway should be four feet five inches, and the construction of the road, rolling stock, etc., to be such as might be agreed upon between the Government and the Company. The clause was adopted without debate.

The sixth clause, providing for the periods at which portions of the railway shall be completed, and that the Governor in Council may require the company to work the same for the conveyance of passengers, goods, & c., was also adopted.

On the seventh clause, which provides for the transport of Her Majesty's officers, war material, & c., under such regulations as the Governor in Council may from time to time make, considerable discussion arose.

**Hon. Mr. BLAKE** urged that the some provision should be made for the conveyance of the mails at a lesser rate than was usually charged by railway companies, inasmuch as the railway was practically being constructed at the public expense.

**Hon. Sir GEORGE-É. CARTIER** explained that that clause was not introduced because the Railway Act applied such a provision to all railway corporations, and when the different charters of incorporation were before the railway committee they should take care that a clause to meet the question was inserted.

The seventh clause was then passed.

The eighth clause, providing that the cost of the survey made by the Government shall be part of the subsidy, was passed without discussion.

On the ninth clause,

**Hon. Mr. BLAKE** said it provided that any part of the act of incorporation of a company inconsistent with the agreement authorized to be made with them by the Government might be declared null and void. This gave a dispensing power over the laws of the land to the Governor in Council, who might nullify what Parliament had done in granting the act of incorporation. He thought the clause ought to be struck out.

**Hon. Sir GEORGE-É. CARTIER** thought not, as the clause was necessary. The Government proposed to deal with companies to be incorporated by Parliament, and that was one of the reasons



why the Government had kept back all those companies in order that their acts of incorporation should be in such form as that there would be nothing to be desired, with regard to any agreement which might be made between them and the Government. But as they would be private companies, there might be some provision which might be in the way of the Government agreeing with such companies, and therefore it was necessary that the Government should be armed with power to meet such a case.

**Hon. Mr. BLAKE** could not agree with the reason. The House was prepared to consider these private acts of incorporation and pass them in the best possible shape, and having done so the House should give the Governor in Council power to repeal any clauses of those Acts. If such power was to be given, he did not see the use of going over these acts of incorporation at all.

**Hon. Sir GEORGE-É. CARTIER** repeated his explanations, and contended that the clause was necessary.

The ninth clause, providing that the Government might agree with any company incorporated by Parliament for the construction of the road, was then carried, as were also the tenth, providing for an amalgamation of the companies; the eleventh, providing that the agreement to be made should be submitted to the shareholders; the twelfth, declaring the united companies to be one company; and the thirteenth, providing that the Government might enter into a contract with this company for the construction and working of the road.

The fourteenth clause was then put, providing that the company might surrender a bill if incorporated and accept instead a charter from the Governor in Council.

**Hon. Mr. BLAKE** said that this was a new principle of legislation which gave an Order in Council the same force and effect as an Act of Parliament.

**Hon. Sir GEORGE-É. CARTIER** said the clause had been well considered and certainly conferred no extra vantage powers.

**Hon. Mr. MACKENZIE** held that it was dangerous to authorize the Government to grant powers which should be only conferred by act of Parliament. Such a thing had never been sought before, and it was entirely opposed to our whole constitutional system. This was an objection that ran throughout the whole measure, which set a bad example for the legislation of the country, and one that the hon. gentleman might have cause to regret. It might succeed now by the majority which the hon. gentleman was able to control; but he (**Hon. Mr. Mackenzie**) warned him of the disastrous result which was certain to follow.

**Hon. Mr. McDougall (Lanark North)** thought it unlikely that the clause would ever be put into operation. It seemed to him that if any attempt were made to make a new charter it would be

found necessary, before any serious responsibility was incurred, to get the agreement confirmed by Parliament. The principle of making an order in council equivalent to an act of Parliament was a dangerous one; but he did not think that, if the power were given in this case, it would be used by the Government in a manner injurious to the interests of the country.

The clause was then carried.

The fifteenth clause, providing that if there should be no company incorporated by Parliament the Governor in Council might grant a charter to form a company, was next put.

**Hon. Sir GEORGE-É. CARTIER** said he proposed to amend this clause in such a way as to prevent the Government being placed at the mercy of any one company or amalgamation of companies, which, although they might appear to be hostile in their objects, would be really working to accomplish the same end. The clause had been adopted after careful deliberation, and it was upon it that the Government hoped to make a good and economical arrangement; but it had been pointed out to him that, if a company was chartered, the clause made no provision requiring the same amount of capital or the same amount to be deposited as in the case of a company incorporated by Parliament. He, therefore, moved to amend by providing that such company should have ten millions of dollars of capital, ten per cent of which should be paid in and secured to the satisfaction of the Governor in Council.

**Hon. Mr. BLAKE** pointed out that this provision differed from the other, because it was not proposed to put the chartered company upon the same footing as the incorporated company, for there was no provision that the deposit should be made with the Receiver General.

**Hon. Sir GEORGE-É. CARTIER** said it was proposed that the amount should be bona fide subscribed, and the ten per cent secured to the satisfaction of the Governor in Council.

**Hon. Mr. BLAKE** thought that the same provision should be made as in the other case, and that the one million should be paid in to the Receiver General; and he asked whether there was any objection to provide in the clause that the payment should be made to the Receiver General.

**Hon. Sir GEORGE-É. CARTIER** said there was not.

**Hon. Mr. ABBOTT** thought it proper and right that the million of dollars should be paid in; but in the case of the first companies the amount could be paid in at any time before the commencement of the work, whereas in the last case the amount was to be paid in within a month after granting the charter.

**Hon. Mr. BLAKE** thought the provision too stringent.

**Hon. Sir GEORGE-É. CARTIER** said any additional provision might be imposed in respect of any company now seeking

May 28, 1872

incorporation; but the Government desired to be more rigorous with any company chartered by them and not incorporated by Act of Parliament.

**Hon. Mr. ABBOTT** thought the time of payment should be shorter in cases of the present companies.

The fifteenth clause was then adopted as amended.

On clause sixteen respecting an agreement for the construction of branch lines from a point on the line between Manitoba and the United States and from the main line to Lake Superior, **Hon. Sir GEORGE-É. CARTIER** proposed an amendment, providing that the land grant to the Manitoba branch should be limited to 20,000 acres per mile and to the Lake Superior branch to 25,000 acres per miles. The clause was then adopted.

The seventeenth, eighteenth and nineteenth clauses, respecting officers to superintend the construction of the railway, reports by the company, and interpretation, respectively, were put and carried, and the committee rose and reported the Bill as amended.

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#### TEA AND COFFEE DUTIES

**Hon. Sir FRANCIS HINCKS** moved the second reading of the Act to repeal the duties of customs on tea and coffee.—Carried.

**Hon. Mr. BLAKE** asked whether any estimate had been formed of the amount of duty that would be repaid to holders of tea and coffee.

**Hon. Sir FRANCIS HINCKS** said it would be very large; it was impossible to say how much; but he did not think it would reach \$100,000.

The Bill was read a third time and passed.

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#### PILOTS

**Hon. Mr. TILLEY** moved the House into Committee to consider the following resolution:

That it is expedient to repeal the Act of New Brunswick, 26 Vic., cap. 36, respecting the government of pilots in the county of Charlotte, and to authorize the Governor in Council to appoint three commissioners for the said county, who shall have power to make rules and regulations for the government of pilots for the coasts and harbours of the county, to fix the rates of pilotage, and to impose penalties, not exceeding \$40, for any breach of any such rules and regulations approved by the Governor in Council.

The motion was carried, and the House went into committee, **Mr. McDONALD (Middlesex West)** in the chair.

**Hon. Mr. TILLEY** explained that the resolution was merely a revival of an old law. The committee rose and reported the resolution.

**Hon. Mr. TILLEY** introduced a bill founded on the resolution, which was read a first time.

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#### FRAUDULENT MARKING

**Hon. Sir JOHN A. MACDONALD** moved the House into committee on the Act to amend the law relating to fraudulent marking of merchandise.—Carried.

**Mr. MILLS** was called to the chair.

The Bill was adopted with some slight amendments, and the committee rose and reported.

The House then adjourned at 11.30.





May 29, 1872

## HOUSE OF COMMONS

Wednesday, May 29, 1872

The **SPEAKER** took the chair at 3 o'clock.

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*Prayers*

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## THE STAMP ACT

**Mr. LAWSON** presented a petition of certain banks of Toronto praying for the abolition of the Stamp Act.

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## COAL OIL

**Hon. Mr. TUPPER** presented a return to an address as to the supply of coal oil to light houses.

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## SECRET SERVICE MONEY

**Mr. GIBBS** presented the sixth report of the Public Account Committee, recommending that an account be kept of the expenditure of secret service money, to be inspected by a confidential committee of the House, in which there shall be two members of the Opposition.

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## SETTLERS ON INDIAN LANDS

The following questions were then put:—

**Mr. COSTIGAN:** Whether it was the intention of the Government to carry out the suggestions contained in his report concerning the white settlers on the Tobique Indian lands, Victoria, New Brunswick, securing to them titles of the lands occupied by them, and on the conditions recommended in that report.

**Hon. Mr. HOWE** said it was the intention of the Government to endeavour to adjust any claims white settlers might have which did not interfere with the general interests of the Indians.

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## HUDSON'S BAY COMPANY

**Mr. DREW:** Whether any claim had been made by the Hudson's Bay Company for losses sustained by them in consequence of the late insurrection at Red River, in the years 1860, 1870.

**Hon. Sir FRANCIS HINCKS** replied that there had been no recent claim but one had been made about two years ago.

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## MUNICIPALITIES FUND

**Mr. THOMPSON (Ontario North):** Whether the amount taken from the municipalities fund of Ontario by Reiffenstein had been made good to the municipalities' interest, and if so, when would it be paid.

**Hon. Sir FRANCIS HINCKS** answered that the Government intended to pay over the amount in good time to the Treasury of the Province of Ontario with a view to its being distributed by them at the next general distribution.

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## MANITOBA ELECTORS

**Hon. Sir JOHN A. MACDONALD** presented a return showing the qualification, &c., of the electors of Manitoba, and the constitution of the Supreme Court of that Province.

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## GEOLOGICAL SURVEY

**Hon. Mr. HOWE** laid on the table the report of the geological survey for the past year.

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## THE NEW BRUNSWICK SCHOOL LAW

The first order being then called,

**Hon. Mr. SMITH (Westmorland)** resumed the debate on the proposed motion of Mr. Costigan for an address to His Excellency the Governor-General on the subject of the school law of New Brunswick, praying that the same may be disallowed, the motion of Mr. Gray in amendment thereto, and the motion of Mr. Chauveau in amendment to said amendment. He (Hon. Mr. Smith) said that, when this subject was last before the House, he had felt that it was one of very grave importance to the Province from which he came, and thought he would have been recreant to his duty if he had not, upon that occasion, moved an adjournment in order that members might have an opportunity of considering, with that deliberation which its importance demanded, any question which involved a change of the constitution. A change in the fundamental law of the country was of transcendent importance, and challenged the most serious consideration. This had been the first attempt that had been made to abrogate or change the constitution of this Dominion.



It had been said, at the time when the Government introduced the bill giving an additional subsidy to the Province of Nova Scotia, that that act was a violation of the Constitution. He was among those who had taken the view; but, looking at the events which had since transpired, he thought it might now be fairly assumed that that measure was not a violation of the Constitution. (*Hear, hear.*) It was well known to the House that, during the progress of the work of Confederation, which lasted three or four years, he had been among those who resisted the proposal, and while he disapproved of the means by which it had carried, believing that unholy agencies had been employed to consummate it, yet since the measure had been adopted, he had been loyal to the new constitution. It could not be said that either himself or any of the people of New Brunswick had in any way attempted to interfere with the constitutional rights of the different members of the Confederation. They had all felt that their duty since the Union Act was carried was to give it a loyal support, in order, if it was productive of any advantages, that the people of all the Provinces might share in and enjoy them alike.

There was one thing that they had all assumed as certain, that whatever rights had been guaranteed to them by the constitution would be regarded as sacred and inviolable, and that no attempt would be made to interfere with those rights or to alter the terms of the constitution until the different parties interested in it were consulted, and consented to anything that might be proposed. This was a principle that, it seemed to him, should commend itself to the good sense of hon. members of this House; for if the constitution was to be changed in order to meet the temporary necessities of the hour, and at the bidding of any one part in the State, then all sense of security under it would be gone, and the weaker members of the Confederation would be left without protection at the mercy of the stronger. If changes were allowed in order to remove passing difficulties, a dangerous principle would be established, and an evil created which would reproduce itself. (*Hear, hear.*)

It was not his intention to discuss the question as to the propriety or impropriety of the School Act of New Brunswick for he did not think it would be seemly to enter upon such a discussion in this House. It was a subject that belonged particularly to the Local Legislature of the Province, and it was not therefore a matter for discussion, if the House was prepared to say, as he thought it ought to say, that the passage of a law of that kind was entirely within the bounds of the Legislature, he thought, established by the Union Act, and also by the report which had been made to the Privy Council by the Minister of Justice, when the bill came before the Government for allowance or disallowance.

He (Hon. Mr. Smith) read the part of the British North America Act giving the Provincial Legislatures exclusive powers to make laws on the subject of education, under certain reservations; and he held that there was nothing in this Act that in any way interfered with the right of the Legislature of New Brunswick to make laws with regard to common schools, the exception mentioned in the Act having no effect so far as that Legislature was concerned. In corroboration of this view he also read from the report of the Minister of Justice, to the effect that the law passed by the New

Brunswick Legislature was constitutional, and entirely within the jurisdiction of that body. The report he (Hon. Mr. Smith) held settled the question beyond all dispute, and it remained to say whether this House would go behind it and interfere with a matter in regard to which the Government had refused to take any action.

He would not speak of the merits or the demerits now; but he might say with regard to denominational grants in New Brunswick, that they had been simply appropriations made from year to year to the different denominational schools in the Province. These appropriations had continued only for one year, and it was in the power of the Legislature to discontinue them at any time. It seemed to him, therefore, that no right, presumptive or otherwise, had been created by reason of these appropriations having been voted by the Legislature.

**Mr. COSTIGAN** desired to ask the hon. member whether, under the law that had been repealed, Catholics in Catholic districts could not employ Catholic teachers and call upon the Government to pay those teachers, so long as that law was in force, without a vote of the Legislature.

**Hon. Mr. SMITH (Westmorland)** said that if Catholics or Protestants established a school and conducted it according to the provisions of the law as it stood then, they had a right to draw the money. (*Hear, hear.*) But the law described the duty of teachers, and that part of the duty of the teacher to preach the doctrines of any particular church. The hon. gentleman then quoted the opinion of the Minister of Justice to the effect that the law passed by the Legislature of New Brunswick was clearly within their jurisdiction, as it did not repeal any law which authorized the establishment of Separate Schools, and that, therefore, the Governor-General had no right to interfere. He (Hon. Mr. Smith) thought it was clear then that the Legislature of New Brunswick had power to legislate on this subject, and he had the opinion of the highest legal authority of this Dominion confirming that view. If this were the case, and as he had said before it was the first attempt that had been made to change the constitution, he thought that this Parliament should pause before they attempted to destroy the rights and privileges of the different members of the Confederation.

The people of the Confederation, the people of New Brunswick, had seen the proceedings of this Parliament and they were in a state of great alarm. They were weak and we were strong. This Parliament might have the power to crush them, to whip them into submission; but the spirit of resistance still lived, and they would await the opportunity to avenge the wrong. It would be legitimate for this Parliament, if they found the law bore unjustly on any portion of the population, to pass a resolution expressing a wish that the Legislature of New Brunswick should modify the law which they had passed. It would be legitimate for this Parliament to pass an address to the people of New Brunswick desiring them to remonstrate with their Legislature, with the view of obtaining such a modification, and he had no doubt that the people of New Brunswick would listen with every consideration and respect to the expressed wish of Parliament; and it seemed to him we should not

May 29, 1872

undertake the spoliation of the constitution, before every possible means had been exhausted within the constitution to obtain redress. The weaker Provinces were more interested than the stronger in this principle.

But would any hon. member have the boldness to rise in his place and propose a change in the constitution which would take from the great Province of Ontario any rights accruing to them under the constitution? He thought not, and if New Brunswick were as strong as Ontario, he felt that this motion would never have been made. He was surprised that the hon. member for Quebec (Hon. Mr. Chauveau) should have taken the course he had taken in his amendment. They in New Brunswick had supposed that Quebec, a sister province, would act in concert with the Lower Provinces in all measures affecting their prosperity.

He was surprised at that hon. gentleman, because he must see that Quebec was more deeply interested in preserving the Constitution than any other province. Let any hon. member look at the Act of Union, and he would see that rights are conferred on Quebec which were not conferred on any other province, and it was the last province that should desire a change in the Constitution of the Dominion. This was an ill-judged time to bring forward measures of this kind.

We were on the eve of an election; great excitement prevailed in New Brunswick, and if this resolution passed he was not prepared to say what the consequences would be. They would be serious beyond any question; and he thought it was the duty of the Government and Parliament not to raise any issues that were calculated to excite hatred, and distrust, and bitter feelings among the different people composing this Dominion. If in the course of events Parliament should consider it desirable that the Separate Schools of Upper Canada should be changed, he could fancy in what eloquent terms the hon. member for Quebec would declaim against any such attempt to outrage the constitutional rights of this co-religionist. But he, (Hon. Mr. Smith) if he knew himself, felt that he would act side by side with him in maintaining the rights of the minority in Upper Canada, and he would ask that hon. gentleman to do unto others as he would be done by. Our only security for peace, happiness and contentment was to preserve this and stand by the constitution.

The resolution before the House seemed to him to be exceedingly vague and uncertain, and if a law were passed couched in the same language it must lead to confusion. The hon. gentleman (Hon. Mr. Chauveau) had not explained his resolution fully. It asked that Her Majesty would be pleased to pass an Act amending the Union Act in the sense which this House believed to have been intended at the time of the passing of the said Act. Was this not an extraordinary statement to put in an Address, and ask the Imperial Parliament to legalize it? What means had this House of knowing what was intended at that time? How could they expect an opinion with regard to that subject at all? This House had no right to express such an opinion, because it had no existence at the time the Act was passed.

The resolution went on to provide that every religious denomination in the Province of New Brunswick and Nova Scotia should continue to possess all such rights, with regard to their schools, as they enjoyed at the time of the passing of the Union Act, to the same extent as if such rights and privileges had been duly established by law in the first place. If he (Hon. Mr. Smith) understood the resolution correctly, it would restrain the Legislature of New Brunswick from passing a law containing a provision for direct taxation for educational purposes. He believed the people of New Brunswick were in favour of direct taxation for schools. There was something noble in the principle of properly being taxed for education, and no money could be applied to a holier and more legitimate purpose. If the Parliament did not desire to restrain the Legislature of New Brunswick from imposing direct taxation for this purpose they must vote against the resolution.

Again, how were the rights which it was proposed by the resolution to confirm to be determined? Where was the tribunal to settle that question? It therefore seemed to him that we should get into entire confusion if this resolution should pass, and an act of the Imperial Parliament were obtained, based upon it. He thought therefore, that the House should have passed before adopting such a resolution. On behalf of the people of New Brunswick he would protest against this attempt to violate the constitution.

He had heard it said that New Brunswick was only a small Province and from its weakness must submit. He did not think that that would be the principle of the Government or the House. This House was the highest court of justice in the Dominion, and whether New Brunswick was strong or weak, whether rich or poor, he believed that justice would be fairly and impartially administered. He appealed to the House, to the members from British Columbia to come to the assistance of their weaker sister; to the members from Ontario, who were strong and powerful; he would appeal to them in the plentitude of their power to consider fairly and honestly the claims of their weaker sister New Brunswick. He would appeal to Quebec, who are as much or more interested to stand firmly by the Constitution. He would appeal to this Parliament and to the sense of justice which prevailed in the House to allow New Brunswick to retain the Constitution and rights which they had. He believed that this Parliament would not be disposed to exercise a tyrannical power, for it was nothing else to take away the rights of the people of New Brunswick. He would appeal to England, as she loved this country, as she was desirous to perpetuate this Union, as she was desirous that peace and contentment should prevail throughout the Dominion from shore to shore, to stand firmly to the Constitution, and not to exercise the power which she, in the abstract, no doubt, possessed of destroying the rights of the people of New Brunswick. (*Cheers.*)

**Mr. COLBY** thought there was no member of the House or any intelligent person in the country who did not regret that a question of this kind should have been forced upon the consideration of Parliament. Whether it had arisen from illiberality on the part of the New Brunswick Legislature, or from extreme sensitiveness on the part of the mover of the original motion, and those who supported



it, the question was one the introduction of which in this House was, he thought, deeply to be regretted and deplored, for it there was any rock which imperiled the safety and welfare of the Dominion, or which threatened its future security it was the rock of religious education, the combination of religion and politics in our public affairs.

In former times, in the Parliament of the old Province of Canada they had had experience for many years of vexed questions of this kind, and they had at last been fought out and disposed of. He had felt then that, in a mixed community like ours, there should be respect for the religious convictions of others, and not only for their religious convictions, but even for their religious susceptibilities, (*Hear, hear*) and that in dealing with questions of this kind they should be treated with delicate consideration and approached with the utmost tenderness and care. (*Hear, hear.*)

Although he regretted it, the question had been brought before this House, and it had to be dealt with in some way, for it was not possible now to avoid or shirk. In one form or another it must be met and considered by the House. Now, while he largely sympathised with the sentiments expressed in the motion of the hon. member for Victoria, New Brunswick (Mr. Costigan), while as a Protestant he believed that the education of our children should be conducted in a great measure under the superintendence of religious instructors, and while he conceived that there were facts of a serious character set forth in the preamble of the resolution, yet he was not able to go with the hon. member to the length of the conclusion to which he had arrived.

He was not able to go the length of saying that, while there was a grievance to be removed, the remedy was an appeal to the veto power. He believed that that was a power which should be exercised only in extreme and peculiar circumstances, and should be invoked only when there was a plain and palpable violation of the constitution on the part of the Local Legislature. It was least of all invoked by the Catholic majority of the Province of Quebec, for they of all parties in the Confederation were specially interested in guarding the constitution as it stood. He believed it was incumbent on all of them, upon every part in the House and the country, to preserve the constitution with zealous care, not to shock it by the adoption of extreme measures, or to interfere with it by meddling with the questions which were within the exclusive jurisdiction of the Local Legislature.

After having heard all that had been said by the movers of the resolution and of the amendments, as well as by the Minister of Justice, he thought, with regard to the Act of Legislation, that there was no doubt it was within the jurisdiction of the New Brunswick Legislature. This made it impossible for him to agree with the motion of the hon. member for Victoria, New Brunswick (Mr. Costigan) and he found it difficult also to support the amendments of the hon. member for Quebec (Hon. Mr. Chauveau). He regarded the constitution as a charter of the rights and privileges of the Protestant minority in Quebec, and it became his duty, as a representative in Parliament of that minority, zealously to protect that charter from innovation. If, then, he thought it would be improper for this House to

interfere with the legislation of New Brunswick, it would be unwise and inexpedient, in order to evade the difficulty, to throw upon Her Majesty's Government the grave responsibility of making a change in a constitution which ought to be held inviolate. If that precedent was established there was no knowing where it might stand. No one could tell when another Act might be passed by a local Legislature, of which complaint would be made in this House, and an effort urged to have it set aside by a fresh invasion of constitutional provisions.

Either of the modes proposed to redress what was felt to be a grievance was open to strong objection, because the exercise of the veto power or an appeal to the Imperial Parliament was an extreme measure which should be only entertained and resorted to in the very last and final extremity, and after every other method of dealing with the difficulty had been tried and had failed. (*Hear, hear*); The hon. member for Victoria, New Brunswick (Mr. Costigan) had appealed to the representatives of the Protestant minority in Quebec to aid in securing for the Catholic minority in New Brunswick privileges which were freely accorded to them by the Catholic majority in Quebec. He was not insensible to that appeal, but he could not help thinking that it was the duty of the hon. gentleman, the duty of this House, and the duty of the Catholics of New Brunswick, to exhaust every effort of friendly conciliation, to endeavour to secure their object by friendly conferences and by firm but mild representations of the justice of their cause; to endeavour to bring about these results in a peaceful and amicable manner before extreme methods were invoked, which could only have disastrous effects for the Constitution and the whole country. (*Hear, hear.*)

It might be asked whether there was no common ground upon which hon. members from New Brunswick, Quebec and Ontario could unite to bring about so desirable a result. He believed there was. He believed they had all common regrets. He believed the Catholics of this country, and their representatives in the House, regretted the action of the majority in New Brunswick in this matter of the school laws. He believed also that the Protestants in this House from New Brunswick, as well as from all parts of the Dominion, regretted that the legislation of New Brunswick had been unsatisfactory to any portion of the inhabitants of that Province. He believed that they had all, therefore, one common regret, that legislation had been adopted which was not only distasteful, but was regarded as injurious to the minority in New Brunswick. If that was the case, then, he felt sure they could all join heartily, sincerely, and conscientiously, in an expression of that regret, and he would even go further to say that they might all join in expressing a hope that any substantial grievance that existed would be remedied by the Legislature whose especial power and function it was to act in such matters. (*Hear, hear.*) It was, in fact, competent for this House, and he thought it would be proper for it to express a common regret, and a common hope upon that subject. (*Hear, hear.*)

Now while he was not prepared to go to the length of saying that the House should address Her Majesty and ask for a change in the constitution, still on the other hand he could not admit that this was a subject in regard to which the Parliament of the Dominion could be expected to be indifferent; for a shock had been given to the

May 29, 1872

Roman Catholic minority in one of the Provinces which must affect the whole Dominion, which was a matter of serious concern to the people of the other Provinces, and which, if not provided against, must have an effect on the interest of the whole country. (*Hear, hear.*) It was consequently a question upon which this House might express an opinion, and without giving offence to the people of New Brunswick might with propriety express a regret that legislation of an unsatisfactory character had been adopted, and a hope that substantial justice would be done to those who had felt themselves wronged. (*Hear, hear.*)

He might say, therefore, that it was his intention, in case the amendment of the hon. member for Quebec (Hon. Mr. Chauveau) was either voted down by the House or withdrawn by the mover, to propose another amendment to the following effect: —“That this House regrets that the School Act of the Province of New Brunswick is unsatisfactory to a portion of the inhabitants of that province, and hopes that it may be so modified at the next session of the Legislature of New Brunswick as to remove any ground of discontent that may now exist.”

He could well imagine that, while the Legislature of New Brunswick would refuse to yield to compulsion, and would resist any attempt on the part of this House to interfere with its prerogative, it might at the same time be induced by friendly suggestions and conciliatory effort to do voluntarily, and take pleasure in doing, what it would never consent to do through forcible measures. He believed that a proper expression on the part of this House would be received in the spirit in which it was offered, and he would stand or fall by the consequences, rather than risk what might ensue if either of the methods proposed in the original motion or in the amendment by the hon. member for Quebec, were adopted. He could understand what agitation might be created if the House should approve of either of these modes. He could understand how the people of a loyal Province might be driven into insurrection; how they might be forced to the desperate expedient of rebellion by an infringement of what they considered to be their constitutional privileges. He thought it would be dangerous in the extreme for Parliament to endeavour to tamper with those privileges, or, by acting in the way proposed, to insult the prerogative of the Provincial Legislature. (*Hear, hear.*)

But, while he believed it would be unwise to adopt such measures, he felt confident that there was at least the same feeling of liberality among the Protestants of New Brunswick as among the Catholic majority of the Province of Quebec, and that if that liberality were appealed to, if their sense of justice and fair play were invoked, they would concede without a murmur what he regarded as an act of simple justice to the Catholic majority. (*Hear, hear.*)

This was a matter which might become serious. It was a subject of national importance, and it should be dealt with in such a way as to prevent what might prove to be a national calamity. He was impressed with a sense of the grave responsibility which might be incurred, and he had therefore thought it proper, before a vote was

taken upon the amendment, to intimate that he intended to propose a resolution in the sense in which he had spoken, in order that hon. members might reserve to themselves an opportunity of voting for another and fresh proposition on the subject. (*Cheers.*)

**Mr. COSTIGAN** would like, before proceeding further, to ask the Government whether they would accept the amendment of the member for Quebec (Hon. Mr. Chauveau), which he thought would solve the whole difficulty.

**Hon. Sir JOHN A. MACDONALD** said, though the Government fully understood the spirit in which the amendment of the member for Quebec (Hon. Mr. Chauveau) was framed, they would support an amendment framed in the way foreshadowed by the member for Stanstead (Mr. Colby) as they considered that would most conduce to the public interest.

**Mr. COSTIGAN** said that, under those circumstances, he must complete his duty to his constituents, who felt that the legislation on the educational system of New Brunswick had done great injustice to one portion of the people. It was generally understood and believed that the Government would accept in good faith the amendment of the member for Quebec (Hon. Mr. Chauveau), as a possible solution of the difficulties of the case. Since Confederation he had been a consistent supporter of the present Government, but, when this question came up he felt it was one altogether outside of party, and when he made his motion he appealed simply to the whole body of the House to express their opinion on what he considered a great wrong inflicted on a portion of the population of New Brunswick.

When redress was first sought from the Government the Minister of Justice had told them that the only remedy which the Ministry could find was an appeal at the polls; but he believed an expression of opinion by Parliament would be a much better mode of obtaining relief, and he felt that injustice had been done to him as the mover, and to those on whose behalf he acted. When so strong a feeling was found to exist in the House in favour of his action it was seen that the Government were in danger, and they then found a remedy, although none could be found previously. As, however, the Government would not even sanction the amendment of the member for Quebec (Hon. Mr. Chauveau) he could not now support it, for he would appear to his constituents as giving the Government of the country relief from their embarrassment without any relief to those on whose behalf he acted.

Any one who read the journals representing the views of the Government would see that the amendment of the member for Quebec was accepted by them, and how came it then that some pressure drove them from their position? Whence came that opposition? Surely not from Ontario or Quebec where the principle sought by the Catholics of New Brunswick was already established? Every effort yet made by the Catholics of New Brunswick had been wrong in whatever course they had taken. They had been told to do something. The member for Westmorland (Hon. Mr. Smith), however, told the House that if the constitution



were altered or the amendment of the member for Quebec carried, there would be a revolution in New Brunswick.

He (Mr. Costigan) spoke on behalf of the Catholics of that Province, and he appealed for justice and fair play; but if, after exhausting every reasonable, moderate and calm means possible they failed to convince the good sense of the Dominion that these claims were just, there would be no revolution. The wound might sink deep into their hearts, but they would bear the injustice with patience, without revolution. The expression of opinion from Ontario and Quebec showed that they desired to do justice to New Brunswick, and the only opposition came from Nova Scotia. He referred to the change of terms granted to that Province, and maintained that that was a much greater alteration of the constitution than anything now proposed, and that there was much greater reason in favour of continuing the rights enjoyed by the Catholics of New Brunswick at the time of Confederation than there had been in any change in favour of Nova Scotia in the money matter.

He hoped during the discussion that he had succeeded in refraining from saying anything offensive to any party or sect. He was sure that if the question was examined on its own merits it would recommend itself to the favourable consideration of every hon. member. He could not be surprised at the storm of indignation in New Brunswick at the proposition to afford relief to the minority in this matter. If a lion, having seized its prey in the forest, and being about to devour it, were interfered with by a generous hunter desiring to free the victim would not the lion become more savage than ever? It was just the same with the gentlemen who passed the law in New Brunswick.

He was proud to acknowledge that there were many Protestants in that Province who condemned the action of the Government, and who had joined in upholding the rights of the Catholics. If the Government had accepted the amendment of the member for Quebec he would have done so also, as being the best way of getting out of the difficulty; but, such not being the case, he should vote against that amendment, feeling that if it were carried it would be, under the circumstances mere waste paper, as far as those affected were concerned.

He should vote against any amendment which had yet been mentioned. The very mild expression of opinion sought to be extracted from the House by the proposed motion of the member for Stanstead (Mr. Colby) was inconsistent. If the Government were correct in saying that they had no right to interfere, there was no meaning in the amendment suggested. He might not have the opportunity of voting for his own motion, as it might be overruled by some amendment; but his constituents would know that he had been sincere in his efforts and would thoroughly understand the course he took in opposing the amendment of the member for Quebec. He

concluded by thanking the House for the attention accorded to him, and was cheered on resuming his seat.

**Hon. Mr. CHAUVEAU** desired to disclaim all intention of moving anything that would be an amendment of the constitution. His motion was simply an explanation of a doubtful point of the constitution. With all due respect to the Minister of Justice (Hon. Sir John A. Macdonald) he doubted whether his decision was in conformity with the spirit, though it might be in conformity with the letter of the constitution. The member for Westmorland (Hon. Mr. Smith) asked how they were to judge of the intentions of those who prepared the constitution? They had the constitution itself for this purpose.

He then quoted from the terms of the British North America Act 1867—leaving the subject of education to the several Provinces, providing that the rights enjoyed by the Catholic minority of Ontario should be extended to the Protestant majority of Quebec, which he said had been cheerfully conceded, providing for appeal to the Governor in Council in case of any ground of complaint, and that if any separate school law should be passed by the Legislature of a Province, not having such a law at the time of union, that law should not afterwards be interfered with—and maintained that the whole spirit and tenour of the law was to protect minorities, taking care of liberties that existed at the Union, contemplating the granting of new liberties, and providing that such new liberties should not afterwards be taken away.

The member for Westmorland seemed to think that, if his (Hon. Mr. Chauveau's) amendment were passed, the position of the Catholics of New Brunswick would not be improved, as they had no separate schools law previously; but it would remove all laws against them. He did not contend that the constitution was violated, but a difficulty existed in that the constitution left open a point which, in the interest both of Nova Scotia and New Brunswick, should be settled, so as to prevent any recurrence of the present difficulty.

It had been urged—"Why drag in Nova Scotia?" Nova Scotia was not mentioned in any sense of reproach, for there could be no ground of complaint against Nova Scotia in this matter, and he was the first to admire and approve the course she took, but she was included because the proposition would not apply to New Brunswick alone. He had been urged not to change the constitution as it might be used as a precedent for other changes; but if the just protection of the young which was intended, and without which the Catholics of Nova Scotia and New Brunswick would never have supported Confederation, was taken as a violation of the constitution and a precedent on which to found illiberal changes, those changes would have been without a precedent; and he believed that the cry that had been raised against his amendment, as changing the position of parties before Confederation, and as being dangerous to Confederation

May 29, 1872

itself and fraught with danger to the rights of local legislatures, was entirely without ground.

He had stated at first that they would have preferred that the Catholics of New Brunswick should have fought their own battle on their own ground; but, as the matter had been brought before the House it ought to be met, and he thought his amendment a milder and more permanent way of dealing with the question than simply vetoing the Act. He felt he ought to notice the appeal made by the member for Westmorland (Hon. Mr. Smith). He had no desire whatever to have the constitution amended. It was a check on the majorities of both Upper and Lower Canada. Far from desiring to have that check removed, it had always given full satisfaction to the minorities. He should certainly persist in his amendment.

**Hon. Sir GEORGE-É. CARTIER** said the question might be divided into two heads, first, the merits or demerits of the Act passed; and second, whether it was in the power of the Federal Parliament to interfere. The first was a question of principle; the second one of law.

After the speech of the member for Victoria, New Brunswick (Mr. Costigan) there could be no doubt that his views met the approval of every one in the House, but there was the more important question behind, and he had come to the conclusion that it was utterly beyond the question of Parliament to interfere. The matter of education was most properly left to the Local Governments, and if the Local Governments had exclusive jurisdiction in the matter, how could the Dominion Parliament interfere? Their doing so would be a most dangerous precedent, and if the legislation of Quebec should be at all unsatisfactory to the Protestants there, appeal might be made to have it set aside by the Dominion. He did not think the member for Victoria had expressed the feelings of the Roman Catholics of Ontario and Quebec, for the True Witness of the 10th May fully endorsed the opinion of the Minister of Justice, and that journal was admitted to express the feelings of the Catholics throughout Quebec.

The law passed by New Brunswick was constitutional, and he could conceive no grounds on which it could be set aside by the Dominion, and while there might be every desire to do justice to New Brunswick the House should keep within the bounds of law. With reference to the question as to whether the principle of the law passed was sound or not, he differed from the member for St. John (Hon. Mr. Gray). He believed that the best way of legislating in the direction of rooting out evil and preventing crime was the establishment of sectarian schools, for it was all important that the minds of the youth of the country should be impressed with a sense of their responsibility to the author of their existence. What would a nation be that stood on no sounder foundation than material prosperity? The greatest strength of a land was that its rulers should be imbued with religious principles.

He referred to and quoted from a lecture delivered in Montreal by the Rev. Archdeacon Leach, dwelling on the necessity of religious education. He said every one must be convinced of this, and he

believed it would be better to have one system of education throughout the whole Dominion. Viewing the matter in its legal aspect he believed it was beyond the scope of the House to interfere, and he should support the amendment promised by the member for Stanstead (Mr. Colby). There was nothing inconsistent in this, as it was only an enunciation of the opinion of the Dominion Parliament, and there was no doubt that the Local Legislature would reconsider the matter. (The hon. member was several times interrupted by cries of "question".)

**Hon. Mr. McDUGALL (Lanark North)** thought it was to be regretted that this important and difficult question was once more upon the floor of Parliament. In Ontario, and to some extent in Quebec, they had a very vivid recognition of the difficulties and embarrassments which had attended the discussion of the education question during the last ten or fifteen years.

In 1862 he, along with his colleagues on the other side of the House, resolved to place the question on a permanent basis, so as to remove it for ever from the political arena, and the Separate School Bill was passed. They were charged with desertion of principle and abandonment of the right of the people, but he had lived to see the very parties who made the accusations acknowledge the justness of the arrangements made, recognizing as a fact that in a country like ours, containing a large population of both Catholics and Protestants, it is necessary in order to give satisfaction to the people to recognize the difference of opinion in our Legislature, and in our administration.

With regard to the question of Education, the intelligent members, and the priesthood of the Catholic body believe that it is essentially necessary that in the early training of youths, that religious instruction should be communicated to them—that kind of instruction which they believe to be sound and true. Before they contended and succeeded in obtaining schools in which religious instruction is imparted, Catholics and Protestants had agreed together and embodied in their constitution these clauses which had been read and which protected the minority under every possible combination of circumstances. The training had gone on, and all were perfectly satisfied with the arrangement.

As a rule separate schools existed only in towns where the Catholic population was large, the power in the hands of the minority securing to them all these rights, and they found it possible to send their children to the common schools, giving that training to them which their consciences dictate.

So far as Ontario and Quebec were concerned the question was settled; but in respect to the other provinces of Nova Scotia and New Brunswick, when those Provinces were being constituted, it was found that in those Provinces no agitation of the kind existed, a sort of administrative liberality prevailed. He understood that in Nova Scotia to this day there was no strong agitation for any security to protect the rights of the minority. The Government had found it possible so to administer the law as to give tolerable satisfaction to the Roman Catholic minority.



It was to be deeply regretted that so unfortunate a question had been brought into the House; but being there it was their duty to make a deliverance upon it. The Government had, under the advice of its chief law officers, decided that the Act passed in this case was constitutional, and that there was not sufficient ground to cause its disallowance, and therefore the original motion under discussion was, in point of fact, a vote of want of confidence, and a censure upon the Government for so having expressed on that Act. If they had properly expounded the law, if the Minister of Justice had given his opinion upon a grave constitutional question in such a manner as to obtain the assent of the House, they were bound to sustain him and his colleagues. It had been admitted by the mover of the motion that there was nothing in the Act to render it unconstitutional. The member for the county of Quebec (Hon. Mr. Chauveau) had proposed a resolution to refer this question, admitting the constitutionality of the course taken by the Government, to the Imperial Parliament, and to make that Parliament amend the constitution so as to give the rights and privileges enjoyed before Confederation. He could not see in what manner the Imperial Parliament could amend the constitution, unless they were also given the machinery to make a school law to protect the minority; a mere bold declaration would amount to nothing. Looking at the case as a precedent, were they, when in any difficulty of that kind which takes hold of the prejudices of the people, to run off to the Imperial Government with their grievance, and that at so early a stage of their history? If they were to begin that process, where were they going to stop? Would not the Government of the day, find itself embarrassed by an appeal to this case as an example for changing the constitution?

For those reasons and others he entirely objected to the resolutions which the hon. member had proposed, and he warned him and his hon. friend from Lower Canada not to vote for the motion to carry the constitution to the Imperial Parliament, where perhaps they would not find the same readiness to recognize their claims as they would find in the Dominion, where those claims were better understood. He thought the resolution of his hon. friend opposite, that this Parliament should simply express regret and a hope that the Legislature of New Brunswick will so modify the act as to remove all cause of dissatisfaction that may now exist, was the lowest course to pursue in order to obtain protection for the minority. Such a course would secure the support of the Protestant majority in New Brunswick, and bring about the same law there which exists in the other Provinces.

**Mr. JOLY** thought there was a point in this debate to which attention had not been called. He drew attention to the policy in England on the subject of education. Earl Russell had declared that the omission of religious teaching in schools would be highly prejudicial to public morals. He read an extract from a newspaper in which it was stated that the people of both England and Scotland were strongly opposed to mere secular education and insisted upon religious teachings. Religion, he contended, was the basis on which all education should be founded. He insisted upon the principle of separate schools. There might be a national unity, but a religious

unity were impossible. He thought the law of New Brunswick was against the general interests of the Dominion, and would vote in favour of the main motion of the hon. member for Victoria, New Brunswick (Mr. Costigan).

**Hon. Mr. ANGLIN** rose to speak, but the House declared it was 6 o'clock and rose.

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## AFTER RECESS

### WATER WORKS COMPANY

The bill to incorporate the Dominion Water Works Company was read a third time and passed.

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### THE SCHOOL ACT

**Hon. Mr. ANGLIN** then resumed the debate on the New Brunswick school question. He said that he felt himself in so extraordinary a position in regard to this question that he could not allow it to pass without saying something upon it. When the resolution of the hon. member for Victoria, New Brunswick (Mr. Costigan) was directly before the House he had endeavoured as far as was in his power to sustain that resolution, but the day after it was proposed—indeed, he thought it was upon the evening of the same day—he had been informed that if it were allowed to stand over the Government would accept an amendment to be proposed by the hon. member for Quebec; further, that they would be prepared to promise through the Premier on the floor of this House that they would do all in their power to give that amendment effect.

Well, when the hon. gentleman's amendment had been read, he (Hon. Mr. Anglin) thought that it did not meet the views even of the mover himself; yet, feeling that it was the best that could be done under the circumstances, he was willing, for one, to adopt it, and in that way give the relief which the Catholics of New Brunswick had been seeking to obtain. The House was now aware that the mover of the amendment had stated that such a promise had been given, and that statement had not been contradicted by hon. gentlemen opposite. He (Hon. Mr. Anglin) thought this placed the Government in an awkward position, as well as the mover of the amendment, who, believing that he had acted with the concurrence and approval of the Privy Council, now found, when the matter came up for settlement, that his proposition was abandoned, and that another and very different amendment was the one they intended to support. (*Hear, hear.*)

The whole position was so extraordinary that he (Hon. Mr. Anglin) scarcely knew what was best to do. He could not agree with

May 29, 1872

the hon. member for Victoria, New Brunswick (Mr. Costigan) in regarding the amendment of the hon. member for Quebec (Hon. Mr. Chauveau) as so much waste paper, for he would prefer seeing it passed, and it was a declaration on the part of this House that an injustice had been done to the Catholics of New Brunswick, and a further declaration that it was the duty of the House to see that the wrong so committed redressed. As for the amendment of the hon. member for Stanstead (Mr. Colby), it merely expressed regret and he for one regarded it as of no substantial or practical value whatever.

He then alluded to a charge that had been made on a former occasion by the Minister of Justice (Hon. Sir John A. Macdonald) that he (Hon. Mr. Anglin) had deliberately mis-stated the measure and scope of the School Acts of New Brunswick of 1858 and 1871. The hon. gentleman had made no attempt to substantiate that extraordinary statement, nor had he chosen to retract it. For his own part he (Hon. Mr. Anglin) cared little for charges of that kind, no matter by whom they were made, when there was no attempt to substantiate them; but he thought the Minister of Justice owed it to the House as well as to his own reputation either to prove his statement or retract the charge. (*Hear, hear.*) He (Hon. Mr. Anglin) had since looked at the laws, and if he had made a mistatement at all, it was not in the direction stated by the Premier, but that, he had not pointed out with sufficient distinctness the difference between the Act of 1858 and that of 1871, and shewn with the same distinctness the injustice the latter Act had done to the Catholics of New Brunswick.

He then proceeded to support the view he had formerly expressed that, although the law allowed it, the people of New Brunswick had never acted upon the principle of a direct assessment for the support of their schools. He did not know of a single district where it had been adopted, and at the last elections the candidates returned in nearly every constituency were opposed to the principle. The law of '71, however, adopted the principle of a direct assessment and in that respect there was a vast difference between the two laws.

Then again, under the old system, the board of education had the power of selecting certain books for the use of schools; but under the law of 1855 the board did not even pretend to exercise the power of choosing what books should be used. The Act of 1858 was not explicit upon the point, but no attempt had ever been made under it to enforce the adoption of any particular set of books. The act of 1871, on the contrary, expressly gave the board power to choose and determine every book used in the public schools, and he had made it his business to enquire into the character of the books that had been selected. He had been able to see only a few of them and these perhaps the least objectionable; but he had found that, in a little book of history, which probably afforded as good an idea of historical events as an almanac, the doctrines and practices of the Catholic Church were described as "Romish". In another book by Dalglish statements were made about the Spanish Armada and the gun-power plot which no prudent Catholic parent would care to see in the hands of his children without at any rate a glossary of

explanations. In respect, therefore, to the power of putting what books the Board pleased in the hands of Catholic children, there was a very great difference between the two Acts.

Another difference was that in the Act of 1858 it was expressly provided that every teacher should take "diligent care and exert his best endeavours to impress on the minds of the children committed to his care the principles of Christianity, morality and justice, and a sacred regard to truth and honesty, love of their country, loyalty, humanity and a universal benevolence, sobriety, industry and frugality, chastity, moderation and temperance, order and cleanliness, and all other virtues which are the ornaments of human society;" and there was this clause added—what he called a conscience clause, more fully and clearly to express the meaning of those "principles of Christianity" which the teacher was to inculcate. "But no pupil shall be required to read or study in or from any religious book, or join in any act of devotion objected to by his parents or guardians, and the Board of Education shall, by regulation, secure to all children whose parents or guardians do not object to it, the reading of the Bible in parish schools, and the Bible when read in parish schools by Roman Catholic children shall, if required by their parents or guardians, be the Douay version, without vote or comment." While this was the law of 1858, there was, of course, no such provision in the Act of 1871; but a clause was inserted that education should be non-sectarian.

After having thus read from the law itself, he thought it would be seen that he had not on a previous occasion, as charged by the Minister of Justice (Hon. Sir John A. Macdonald), mistated the aim and scope of the law. (*Hear, hear.*) They had heard of the flexibility of the British Constitution, which was commended for its extraordinary merits in this respect. Well, this Act of 1858 might be spoken of in the same way, as having extraordinary merits because of its flexibility, for, whether the school was Church of England, a Catholic, a Presbyterian or a Methodist one, the teacher was entitled, under the Act, to payment out of the public funds, according to the number of pupils attending the school. "Oh," said the hon. member for Westmorland (Hon. Mr. Smith), "that is true enough, but he was to perform those services according to the terms of the Act."

Well, what were the terms of the Act? Why, that he should keep the school open during certain seasons, that he should teach certain things, and that he should take "diligent care" to impress on the minds of the children, committed to his care, the principles of Christianity. (*Hear, hear.*) In the whole of the country districts of the Province they had been perfectly satisfied with the systems of schools established under that act, and nobody had been called upon to contribute a penny for the support of schools where doctrines were taught contrary to his religious convictions, while Catholics had to pay for maintaining only those schools to which they could send their children for instruction.

The position was now, however, entirely changed, for no such school could be established under the act of 1871, or if established



it could not receive support from the public treasury, or any share of the money raised by compulsory assessment. The Catholics of the Province were placed under extraordinary disabilities by the act, and their position was the most unfavourable that could be imagined as compared with their position under the old law. It was true they had never received special grants, that they had only received appropriations which were renewed from year to year, but, although they had stated in their petition to the Governor in Council that these grants had been made so regularly and under such conditions as to create a prescriptive right, they had not based their case at all upon the fact that those grants had been made. They had put forward that statement to show how much they were entitled to protection; but they had not rested their case upon it, but upon the fact that the rights they had enjoyed under the law up to and after the time of Confederation, had been diminished or destroyed by the Act of 1871.

That was the complaint they had made in their petition; that was the complaint they made now, and it was for the redress of that grievance that they came before this House. They did not ask for any extraordinary or unconstitutional measure; they simply applied to the Governor in Council asking that the constitutional power of disallowance resting in them for the welfare of the whole Dominion should be properly exercised for their protection. The Minister of Justice (Hon. Sir John A. Macdonald) had not suspected the fact that Government possessed that power, and here he would say that an extraordinary attempt had been made to delude the people of the Province of Quebec on this point.

The only question that had been raised was whether the Act was constitutional or not, and that was the only question that the Minister of Justice could determine. Although they had pressed upon the Government that their rights were destroyed by the Act, and therefore that it was unconstitutional, yet they had not rested their case on that, but they appealed to the Government and their sense of justice to protect them against a great wrong. He was satisfied of the constitutionality of the Act, but the point was that this Act of 1871 did to the Catholics of New Brunswick a gross injustice, and the Governor in Council should not stand by and allow such an injustice to be done, when the constitution placed in their hands the power to preserve them from that wrong, and imposed on them the duty of interfering between the minority and a tyrant majority.

That was their case; not that the Act was unconstitutional—for if it was they could look for redress to the courts. He thought that this view should have had great weight with the Privy Council. Even if the Act were unconstitutional they had not, in his opinion, done their duty, as they might in all cases disallow an Act for any reason or for no reason at all, and they were only responsible to Parliament for the exercise of that power. With regard to this measure they could say that certain things should be done, and if they were not done they could ask this House to enforce the Legislature of New Brunswick to carry out these views.

The Minister of Justice (Hon. Sir John A. Macdonald) had stated that two principles had been adopted in the exercise of this vetoing power, one was where an Act was unconstitutional, and the other where it was not supposed that the action of the Local Legislature was detrimental to the interests of the Dominion at large. He (Hon. Mr. Anglin) would ask the House if this was not such a case. The fact that this House had debated the question on three or four different occasions, proved that it was of interest to the whole Dominion, that the injustice to the minority in New Brunswick is a wrong inflicted on the Dominion at large.

An appeal had been made on behalf of New Brunswick by the hon. member for Westmorland (Hon. Mr. Smith) to the sympathies of this House. That gentleman had implored the House not to exercise the power which they constitutionally possessed, a power which had not been invoked by them in the first place, but which they would be glad to see exercised. They had asked nothing but that they should be placed once again in the position they held at the time of Confederation. The member for Westmorland had said that New Brunswick was a weak province, and that therefore it should not be oppressed; that this Parliament had the power and might crush the little province. Did he remember when he spoke that a minority in that province had already been crushed by a strong majority? That gentleman had said that the Parliament might whip the Province into submission. Had not the majority there whipped the Catholics into submission? They were oppressing Catholics there, and it was most cruel and shameful to ask this House not to interfere. It was the Catholics who were powerless, and they came here to implore the House to protect, guard, and defend their rights, not merely to protect them from contributing to a system which they ignored, but to protect the children of the weak and lonely from what the Catholics believed a great and terrible danger. They were in that condition.

He was glad to join in paying his tribute to the many respectable and liberal-minded Protestants in New Brunswick who favoured their object; but, unfortunately, a great majority have been led astray. The question had been put before the min a way to arouse their worst feelings. The member for Westmorland had said that this House had a right to express its opinion on the subject to the Local Legislature and ask them to modify their action, but in his (Hon. Mr. Anglin's) opinion, to look to them for justice or mercy was a most cruel mockery of the wrongs and sufferings of the Catholics. Would the hon. member say at the hustings that justice should not be done to Catholics? He (Hon. Mr. Anglin) thought not; and it would be cruel, therefore, to send them back to the Protestant majority for justice. We were told that such an expression would have a wonderful effect upon the Legislature of New Brunswick; did hon. members who said so know that the present leader of the Government there had stated in the Legislature that neither Pope nor Prelate would make him swerve from the path of duty? Such was the spirit in which they were met when they appealed for justice in New Brunswick.

May 29, 1872

The resolution of the hon. member for Quebec (Hon. Mr. Chauveau) would not have relieved them immediately, but it held out something like hope, but all that we were to have now was simply an expression of regret of a majority of this House. He (Hon. Mr. Anglin) would not join in that expression, knowing the disposition of the people to whom it was addressed. Its effect would be to add fuel to fire, and he felt that he would be guilty of mockery if he joined in such a request. They had come to this House for a redress; they had endeavoured to put their case as calmly as circumstances would permit, and if they had failed it was not from want of material, not from the want of something to touch the sympathies of this House, but simply from the want of ability. This much they had said, that they were suffering gross wrongs, and they appealed to this House to redress that wrong constitutionally.

The regulations adopted with regard to schools in New Brunswick were of the worst kind. While a teacher was prevented from using any class of religious text books he could give *viva voce* instructions, and could instil his own views into the minds of the children, and the parents of these children had no means of finding this out except from the children themselves, after the injury had been done.

It had been said that no practical injustice had yet been done under the Act; but did the hon. gentlemen think that it was merely from a spite of opposition that the Catholics of New Brunswick had raised this question? What interest had they in creating a disturbance? They were in a minority, and they knew well what it was to be in such a position, and it was clearly their interest to keep on terms of amity with the majority. It would be to their interest and their duty, and when the principles which they held most sacred had required them to take a certain course, he was bound to say that the Catholics of St. John had shown a spirit that had done them honour. They had acted, not from a spirit of ill feeling, but simply in a spirit belonging to the laws of the land, in requesting that their religious belief should remain inviolable.

The Catholics of New Brunswick were willing to make every sacrifice, but while they were willing to bear and endure, they would not keep their peace; they would raise their voices where they could, and they came now once more to appeal to the majority of this House for justice. They asked no advantage. They did not ask that they might tyrannise over the majority or minority; they simply asked that, with their own money, they might be permitted to educate their children in the way which they believed to be right. That was all, and he would appeal to the good sense of this House, and the kindly and Christian feelings which he was sure actuated them.

**Mr. BOLTON** would not have spoken but for some remarks that had been made as to the feeling existing in New Brunswick. The indignation there had been compared to the growling of a lion with his prey. He regretted that remark, for it referred to gentlemen who had been actuated by feelings as kindly and good as ever actuated any men in the performance of their duty. Their aim was to provide education for all, for the poor and lowly, and the indigent, as well as

others; and, though they might not understand the extreme sensitiveness of the Catholics, their motives were pure. The member for Gloucester (Hon. Mr. Anglin) had quoted from a speech of the leader of the New Brunswick Government, as evidence that no relief could be obtained there for the Catholics; but he (Mr. Bolton) had heard that speech. It declared that the leader of the Government there would give equal justice to all classes, but exceptional advantages to none. He did not intend to speak of the merits of the question, as he did not think it should have been brought before the House. He did not approve of the Bill entirely, or of the resolutions, but they were matters that could be remedied. The law had not been six months in operation, and when the evil was seen he trusted it would be remedied, and justice done. He would be glad to see the system in force in Ontario adopted.

Free schools the people of New Brunswick were determined to have, and the schools were open usually to the Protestants and the Catholics, and neither had any advantage over the other. He hoped the law would work out well, and that the difficulties anticipated would be removed, and that the Catholics would receive any relief to which they were entitled. He did not think the Imperial Parliament would ever act on the amendment of the member for Quebec, accompanied as it was sure to be by remonstrances from New Brunswick, and he deprecated the excitement that must be occasioned by the getting up of petitions throughout the Province.

**Hon. Mr. McKEAGNEY** was very sorry that the difficulty existed. They were all bound for the same home, and why should they not harmonize? It had been said that some Sisters of Charity, passing a school, had been told that they must lay down their insignia before they could be admitted. He believed that was a straining of the law. If he were asked by any one outside of Christianity who the Sisters of Charity were, he should reply that they were among the fairest blossoms on the Tree of Christianity. They were devoted to every good work and to the amelioration of the sorrows of all classes, irrespective of position or creed. He thought the House should do all in its power to assist the Catholics in their rights.

**Mr. KILLAM** said there was never a time when the parties of New Brunswick were better than at present, and he had yet to learn that a single individual from that Province desired any amendment of the Union Act in this respect, and he trusted the House would not consent to the motion. The Minister of Justice (Hon. Sir John A. Macdonald) had decided that the Act was constitutional, and whether the bill was right or wrong there was no doubt that a much greater wrong would be inflicted on the majority who, under the British North America Act, 1867, had the exclusive right to deal with the question of education, by the passing of the motion. It was childish to propose to bring the matter before the English Government.

**Hon. Mr. CONNELL** looked at the amendment of the member for Quebec (Hon. Mr. Chauveau) as a direct attack on the Act of Union. He regretted that the matter had come before the House. In New Brunswick the Protestants and Catholics get along very well



together. The question at present was whether the House had the right to pass a resolution vetoing the constitution of New Brunswick. They had the opinion of the first law officer of the Crown as to the interpretation of the Union Act. The school act should be allowed to have trial, and the matter could be brought before the Local Legislature, and if there was any evil it would then be remedied. What was the use of the Local House if their rights were to be interfered with by the Dominion Parliament? He was in favour of the motion suggested by the member for Stanstead (Mr. Colby).

**Mr. RYAN (Montreal West)** said the question affected the most vital interests of the minority, whose feelings were shared by a large portion of the people of the whole Dominion. He could not conceive why the Catholics of New Brunswick should not enjoy the same rights which they had at the time of Union, if it was correct that the British North America Act of 1867 guaranteed all rights then existing. He should vote for the motion of the member for Quebec as he thought the matter should be placed fairly before the Imperial Government, and left to them to decide. A mere expression of regret, unaccompanied by any action of the Imperial Government, would have no effect whatever, and the people of New Brunswick would say that they were quite competent to manage their own affairs. The Government had found a way to afford redress to Nova Scotia in a material way; and surely, when a portion of the people of New Brunswick were affected in the most serious way, it was the duty of the Government and of Parliament to afford them relief.

He quoted from the *Montreal Gazette* of the 27th inst., to show the great importance of religious education at the schools in the view of the Roman Catholics, and he appealed to the House to come to the aid of the Catholics of New Brunswick, and give them that relief which they desired, and to ask the Imperial Government to interpret the Union Act in the spirit that was no doubt intended when it was passed. Some time ago a deputation came from New Brunswick to urge better terms for that Province. If it was established that justice had not been done he would be prepared to grant better terms, and if Parliament had power to deal with the money question, surely it was of paramount importance that it should interfere in a matter affecting religious liberty. He reminded the New Brunswick members that they were seeking for better terms, and advised them if they wanted to get them, to vote for this amendment.

The members were then called in and the House divided on **Hon. Mr. CHAUVEAU'S** amendment, which was lost on the following vote: —Yeas, 34; Nays 127.

(Division No. 20)

YEAS

Members

Abbott  
Archambault

Anglin  
Beaubien

Bertrand  
Cameron (Inverness)  
Chauveau  
Delorme (Provencher)  
Gendron  
Irvine  
Macdonald (Glengarry)  
Masson (Soulanges)  
McGreevy  
O'Connor  
Power  
Ryan (Montreal West)  
Thompson (Haldimand)  
Webb  
Workman

Cameron (Huron South)  
Cayley  
Currier  
Dugas  
Grant  
Kempt  
Magill  
McConkey  
McKeagney  
Pouliot  
Renaud  
Scathered  
Thompson (Ontario North)  
Whitehead  
Wright (Ottawa County)—34

NAYS

Members

Ault  
Barthe  
Bechard  
Benoit  
Blanchet  
Bolton  
Bowman  
Burpee  
Carling  
Caron  
Cartier (Sir George-E.)  
Cheval  
Cimon  
Colby  
Costigan  
Crawford (Brockville)  
Cumberland  
Delorme (Saint-Hyacinthe)  
Dorion  
Ferguson  
Forbes  
Fortin  
Gaucher  
Geoffrion  
Godin  
Grover  
Hincks (Sir Francis)  
Houghton  
Hurdon  
Joly  
Keeler  
Kirkpatrick  
Langevin  
Lawson  
McDonald (Lunenburg)  
Mackenzie  
McCallum  
McDougall (Renfrew South)  
McMillan  
Metcalfe  
Morris  
Morrison (Niagara)  
Nathan  
Oliver  
Pelletier  
Pickard  
Pope  
Ray

Baker  
Beaty  
Bellerose  
Blake  
Bodwell  
Bourassa  
Bown  
Campbell  
Carmichael  
Carter  
Cartwright  
Chipman  
Coffin  
Connell  
Coupal  
Crawford (Leeds South)  
De Cosmos  
Dobbie  
Drew  
Ferris  
Fortier  
Fournier  
Gaudet  
Gibbs  
Gray  
Hagar  
Holton  
Howe  
Jackson  
Jones (Leeds North and Grenville North)  
Killam  
Lacerte  
Lapum  
Macdonald (Sir John A.)  
McDonald (Middlesex West)  
Masson (Terrebonne)  
McDougall  
McDougall (Trois-Rivières)  
McMonies  
Mills  
Morrison (Victoria North)  
Munroe  
Nelson  
Pâquet  
Perry  
Pinsonneault  
Pozer  
Redford

May 29, 1872

Robitaille	Ross (Champlain)
Ross (Prince Edward)	Ross (Victoria, N. S.)
Ross (Wellington Centre)	Ryan (King's, N. B.)
Rymal	Schultz
Scriver	Shanly
Smith (Westmorland)	Snider
Sproat	Stephenson
Stirton	Street
Sylvain	Thompson (Cariboo)
Tilley	Tourangeau
Tremblay	Tupper
Wallace (Albert)	Wallace (Vancouver Island)
Walsh	Wells
White (Halton)	Willson
Wood	Wright (York West)
Young-127	

And the Question being again proposed on the amendment to the Original Question;

**Mr. COLBY** moved, in amendment to the said proposed amendment, seconded by **Mr. BOLTON**, That the words "an humble Address be presented to His Excellency the Governor General, representing that it is essential to the peace and prosperity of the Dominion of Canada, that the constitutional rights of the several Provinces should be in no way impaired by the action of this Parliament—that the Law passed by the Local Legislature of New Brunswick respecting Common Schools was strictly within the limits of its constitutional powers—and is amenable to be repealed or altered by the Local Legislatures, should it prove injurious or unsatisfactory in its operation; that not having yet been in force six months, and no injurious consequences to the Dominion having been shown to result there from, this House does not deem it proper to interfere with the advice that may be tendered to His Excellency the Governor General by the responsible Ministers of the Crown, respecting the New Brunswick School Law," be left out, and the words "this House regrets that the School Act recently passed in New Brunswick is unsatisfactory to a portion of the inhabitants of that Province, and hopes that it may be so modified during the next Session of the Legislature of New Brunswick as to remove any just grounds of discontent that now exist," inserted instead thereof.

He proceeded to speak but gave way under respected cries of "question".

**Hon. Mr. DORION** said it seemed to him that the motion of the member for Stanstead (Mr. Colby) meant that an injustice had been done to a large portion of the population of New Brunswick. It acknowledges injustice, and expressed its regret, but the regret was ineffectual. He quite agreed with the member for Montreal West (Mr. Ryan) that the Legislature of New Brunswick would say that they did not care for the regret of the House. He had voted against the motion of the member for Quebec (Hon. Mr. Chauveau) because he did not see any possibility of its securing to New Brunswick what the mover intended it to do. He maintained that the power to veto had been reserved to the Dominion Government to be exercised in such a case as this. If the bill were

disallowed it would give the majority in New Brunswick time to reconsider their action. He would vote against the amendment of the member for Stanstead, as he thought it was an empty and meaningless motion which would be regarded as impertinent by the Legislature of New Brunswick, and would be of no practical use to the minority. He would move an amendment at the proper time.

**Mr. CARMICHAEL** did not think that any injustice had been done, and, therefore, should vote against the resolution.

**Hon. Mr. BLAKE** said he had from time to time considered the constitution with reference to the state of the law in New Brunswick on the subject of schools, and he was free to confess that his opinion had fluctuated, and any expression he might now give was given with great doubt and hesitation. He was free to admit that there was much to support the view that had been put forward in the report of the Minister of Justice (Hon. Sir John A. Macdonald) on this subject, and that the conclusion of that gentleman might have been fairly reached and might very possibly be correct; but he desired to point out to the House those circumstances with reference to the Act which led his mind very strongly—he would, not say conclusively—to a different conclusion.

First of all, what were the provisions of the Union Act itself on this subject? The exclusive right is given to the Provincial Legislature to make laws with reference to education; subject, however, and according to certain provisions. The first of these provisions was that nothing in the law shall prejudicially effect any right or privilege with respect to denominational schools, which any class of persons have by law in the province at the Union. Then we find the second provision which was in terms applicable only to Lower Canada—the extension to the Lower Canada majority of the rights which were given to the Upper Canada minority. Then comes the third provision, which speaks of another state of things apparently from that which is contemplated by the first, because it refers to the case in which there existed in the province, by law at the union, a system of separate or dissentient schools; and in that case it provides that an appeal shall be made to the Governor General in Council from any Act or decision of any provincial authority affecting any right or privileges of the Protestant or Roman Catholic minority of the Queen's subjects in relation to education.

He called the attention of the House to the fact that the first provision spoke of rights or privileges with respect to denominational schools, while the third spoke of a system of separate or dissentient schools. Those who carefully prepared the Union Act must, he assumed, have intended to convey some different meaning by the different terms which were used in the first and third sections. It was impossible to conceive that the third section was intended to cover the ground taken by the first, and the first must have been introduced for some object. The different language which referred to the rights and privileges with respect to denominational schools in the first, and to a system of



separate or dissentient schools in the third section must have been used intentionally—must have been used with some design and object.

We know that in two Provinces—Upper and Lower Canada—there was a system of dissentient schools of the union. With reference to those it was fair to assume that if the second or third sections applied, of course, the third section would apply to any Province in which after the union a system of separate schools might be established.

The question then was, to what did this first section apply? For the second and third sections met the case of the two Canada's. Must not the first section apply to New Brunswick? That was the question; the opinion of the Minister of Justice was based upon the proposition that the schools of New Brunswick were not denominational schools. Now, what was and what is the school system of New Brunswick? The 8th clause of the old School Act of New Brunswick cited by the hon. member for Gloucester (Hon. Mr. Anglin) tonight, was one which, if it did not establish a system of denominational schools, did, he thought, legalize a system of denominational teaching in the public schools. (*Hear, hear.*) The Minister of Justice (Hon. Sir John A. Macdonald) was, perhaps, technically correct when he said that the schools of New Brunswick were not denominational schools, but he believed no man could fairly read the 8th clause of the old New Brunswick Act without admitting that the public schools of New Brunswick were schools in which denominational teaching was by law permissible.

He believed the true meaning of this clause was that denominational teaching was permissible with a conscience clause on behalf of those children whose parents objected to their being exposed to denominational tuition. This clause provided "That every teacher shall take diligent care to exert his best endeavours to impress on the minds of the children committed to his care the principles of Christianity;" and of course he was not going to enter into the vexed question how far the principles of Christianity, if this clause had gone no further, could have been imparted without entering upon denominational teaching. It was not necessary to consider this, because the clause went a great deal further.

After adverting to other subjects of tuition, it says "But no pupil shall be required to read or study in or from any religious book, or join in any act of devotion, objected to by his parents or guardians." Now that word "but" was very important. It showed the meaning which was attached by the Legislature to "the principles of Christianity" in the former part of this clause. (*Hear, hear.*) It showed that except for that "but" those principles of Christianity would have been imparted after a denominational fashion, and generally to all the students. It showed that the Legislature thought it necessary to infringe upon the authority to teach the principles of Christianity after

denominational fashion, by a conscience clause which excluded from the operation of that teaching those children whose parents or guardians should conscientiously object to it.

When you find it stated that no pupil would be required to read or study from any religious book objected to by his parents or guardians, you find the law recognizing the proposition that those children whose parents or guardians did not object might in those schools be taught from religious books. It was impossible to deny that proposition. Children might be taught in those schools from religious books, subject to the provision that those parents or guardians who objected to their children being so taught might have their children exempted from that description of teaching. Then you find religious books and acts of devotion put in the same category. This, he need not say, threw a light upon the kind of religious books indicated; but then farther you find that while this conscience clause was inserted which recognized that denominational teaching was possible, was perhaps the normal state of things in many of the schools, there existed this provision:—The board of education shall by regulation secure to all children whose parents or guardians did not object to it, the reading of the Bible in parish schools; and the Bible when read in parish schools by Roman Catholic children shall if required by their parents or guardians be the Douay version without vote or comment—That was the state of things.

Now, it did appear to his mind that you might correctly describe the school system of New Brunswick at the time of the Union, not perhaps as a system of denominational schools, but as a system of public schools in which denominational teaching was legalized, subject to a conscience clause in favour of those children whose parents or guardians objected to that teaching.

Now, the question was—did that come within the first clause of section 93 of the Union Act? Was that a right or a privilege with respect to denominational schools within the meaning of that clause? He confessed he deeply regretted the course that was pursued by the Legislature of New Brunswick under these circumstances. He should be very sorry to object, and he did not think the people of Canada would object, to their establishing a more complete school system, a system of taxing property for support of schools; but in repealing this section they substituted in the new law an express provision that every school should be non-sectarian. This provision might also throw light upon the past as well as the present. It was inserted of course with an object—the object of declaring the intention of this Legislature as clearly as the former clause declared the intention of the old Legislature. The old law legalized, with certain exemptions, denominational teaching in public schools, while the new law expressly rendered that teaching illegal. (*Hear, hear.*)

No one could deny that this made a most important difference in the status of the religious minority in the Province of New Brunswick. Let the House consider how the operation of the system had been changed by the new law. He did not speak with

May 29, 1872

reference to the provision to tax property for the support of schools, but with reference to that particular system which allowed those communities, at any rate, which were entirely Roman Catholic to conduct their schools according to their own views. As he understood the condition of affairs in that Province, there were very large sections which were populated entirely by the Roman Catholics. Now the old law in such districts would, of course, work in a manner which the strongest advocates of non-sectarian education could not object to, because no one could be injured, as the people were all of one religious persuasion. Under these circumstances, he would say that a change in the law which operated as he had described upon those communities which were exclusively Roman Catholic was in his judgment a harsh change. It was not necessary to satisfy scruples of any Protestants that they should prevent religious teaching in schools which were wholly Roman Catholic.

In a very different spirit was the law worked in Ontario. In that Province they passed a new School law since the union, by which free and compulsory attendance in schools was established; but it occurred to him in the course of the discussion upon the provision respecting compulsory attendance, that it might be an infringement upon the spirit of the Constitutional Act, inasmuch as it proposed to compel parents to send their children to public schools, where no separate schools were established, while such parents might have conscientious objections to sending their children to such schools. He said then it was contrary to the spirit in which the constitution was framed, and suggested an amendment; and the Legislature has unanimously assented to that view and inserted a proviso with reference to compulsory attendance.

It was not by dealing harshly with the feelings or any needlessly altering the customs of a minority that the friends of non-sectarian education could gain their end. He believed the non-sectarian system was making way in his own province and he rejoiced to say that its progress was owing to the liberal spirit to which he had adverted, which led to reciprocity of feeling and to a fair consideration of the merits of a system which combined the strength and means of the whole community for the education of their children in all those matters in which they could be instructed together.

The course taken in New Brunswick was, he agreed with Mr. Colby, of a different character, and much to be regretted; but they had been asked during this discussion to go a great deal further than an expression of regret that it should not extend to those who were conscientiously opposed to sending their children to such schools. It was in that spirit that he believed the question could be successfully dealt with in any of the provinces; and having been one of those who, upon former occasions, endeavoured to maintain the integrity of the constitution, he felt bound to say a few words upon the proposition which had been submitted to the House.

It was one thing for a Legislature to pass an Act which was beyond its constitutional powers—it was a thing which it never ought to do, and was deserving of the highest reprobation. It was quite another thing for the provincial or General Legislature to propose an amendment to the

Constitution. The character of any such amendment, with reference to the interest affected by it, might demand a different construction altogether in one case from that which was to be given in another case. They had had cases before them in which Parliament had, in the opinion of many people, proceeded in a very wrong direction by violating the Constitution.

They had also had a case in which the Government had applied to the Imperial authorities for an amendment to the constitution and that, too, without reference to Parliament at all. He referred to the application with respect to the Manitoba Act. In that case it was perfectly legitimate for the British Parliament to be guided in making any amendments to the constitution by the decision not of the Canadian Government, but of Canadian Parliament; and the Canadian Parliament had asserted its right to act in that direction; but he held it to be equally clear that there were numerous cases in which, although it might be highly fitting that this Parliament should in some sense in the name of the whole Dominion address the Imperial Parliament on the subject, yet the address of this Parliament ought not to be sufficient.

He maintained that wherever it was something that had been exclusively reserved to the Provinces, wherever it was a Provincial right or interest that was proposed to be affected, although it might be perfectly right for the Parliament to express its opinion upon so important a point, the change should not be made upon the address of this Parliament alone. (*Hear, hear.*) He knew that the Province of Ontario had perhaps the least to fear on this point; that it was really the battle of the smaller Provinces he was fighting; but this did not render him the less alive to the importance of the constitutional doctrine which he had been endeavouring to enunciate, and to which he called the attention of the House very early in the history of the Dominion; and he ventured to assert that in the future, as in the past, Ontario would be found in the first ranks of the defenders of the constitution.

He asked the attention of the House to the view which the Imperial Government itself took upon this very question. With reference to the Nova Scotia subsidy it was the opinion of the majority of the people of Ontario that the constitution was being violated, and a number of resolutions were moved in the Legislative Assembly upon that subject, closing with one proposing an address to Her Majesty praying her to make such changes as would remove all colour for the assumption by the Parliament of Canada of power to disturb the financial arrangements established by the Union Act as between Canada and the Province, as altered by the Nova Scotia Act. What was the answer? As he had anticipated during the discussion of his resolutions, the Colonial Secretary thus described the Constitution in his reply: "The British North America Act embodied the terms of Confederation agreed upon through their representatives by the different Provinces of the Union, and Her Majesty's Government would now feel justified in proposing to the Imperial Parliament to deprive the Parliament of Canada of any power which that Act has assigned to it." Because the Confederation Act embodied terms which the different Provinces had agreed upon, the Imperial Government could not feel justified in altering that compact upon the address of any one Province; and therefore those who imagined that the Imperial Government would at the instance of the Parliament of Canada take away any exclusive right of any one of



the Provinces imagined something which that despatch contradicted, because for the purpose of considering provincial rights this Parliament did not represent the Provinces. The Provincial Legislatures were the guardians of Provincial rights, and these rights could only be affected with the assent of the Provinces; therefore he believed that the amendment proposed by the hon. member for Quebec (Hon. Mr. Chauveau) would not of itself be effectual: that the Imperial Government would never amend the British North America Act in the particular in which that motion confessed it was necessary to amend it, without the assent of the Province to be affected by it.

He would not have objected to have expressed the feeling of this Parliament in a proper form upon that subject; but the arguments used by several hon. gentlemen, and the mode in which, out of doors, the proposed action was treated showed how unsafe it would be to depart from the proper form. A more dangerous doctrine could not be broached than to suppose that the action of this Parliament upon a subject of this description would be, he would not say binding on, but would be acted on by the Imperial Parliament as a matter of course irrespective of the assent of the provinces specially affected. He believed the proper mode to reach the object of the hon. member for Quebec (Hon. Mr. Chauveau) would be to apply to Her Majesty to urge the Provinces concerned to assent to such action being taken, and thus the feeling of this Parliament would be expressed, and the rights of the Provincial Legislature be recognized, and the Imperial Government placed in communication with them. He could not conceive that the hon. gentleman himself (Hon. Mr. Chauveau,) desired that with reference to any point in which exclusive right of a Province was to be affected the views of this Parliament should alone guide the deterioration of the Imperial Parliament.

**Hon. Mr. CHAUCHEAU:** I should not have moved the motion had I not conceived that there was considerable doubt in the constitution itself—my motion was more in the direction of asking for an explanatory and declaratory Act than for an amendment.

**Hon. Mr. BLAKE:** We will get upon very dangerous ground if the judgment of this Parliament is to determine that something was intended by the constitution which, according to the Government of the day and according to the motion itself, the language of the constitution does not itself express. How can you draw the line? You don't know where to stop if you once admit this doctrine and you will find Parliament time and again expounding what it thinks was intended by the Act and asking that the Act should be changed in order to carry out its intention. It is the true construction of the Act which shows its intention, and that alone.

He went on to say he thought hon. gentlemen had fallen into an error when they stated that in this peculiar case if the constitutional Act had been infringed upon by the Local Legislature the expiry of the period of twelve months fixed for disallowance was fatal to all remedy for the injustice. He believed that the Parliament of Canada could act in this instance in case the constitution had been infringed upon, and that the fourth clause, which he had hitherto omitted to

read, would come into play. The other clause he had read. The fourth was as follows: "In case any such provincial law as from time to time seems to the Governor in Council requisite for the due execution of the provision of this section is not made, or in case any decision of the Governor in Council or an appeal under this section is not duly executed by the proper provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this section, and of any decision of the Governor in Council under this section."

Wherever they found a provincial law defective under this section, or of a character which did not conform to its provisions, or which was legal in one part, while in another part it went beyond or did not conform to this section, the Parliament of Canada had power to make remedial laws under the provisions of the clause he had just read. Now, a great part of this New Brunswick law was legal, and within the spirit as well as the letter of the constitution: the provisions, for instance, relative to direct taxation for the support of the schools.

But the question arose with respect to the part of this law which had struck out the clause of the previous Act allowing religious teaching under certain restrictions, and had substituted the 62nd section of the present Act, which said the teaching shall be non-sectarian. The question arose, as to the portion struck out and the portion inserted, whether the law was in accordance with the provisions of the constitution. The better course in a case of so great difficulty was to go to that source by which his hon. friend was willing to be guided, to get the best advice they could obtain on this subject. Of course they would not be bound by that advice, and it would be open to deal with the question to the best of their judgment; but it would throw light upon it, and might, perhaps, settle it; and if the view which he (Hon. Mr. Blake) had thrown out as to the constitution of the Union Act were correct, although twelve months should have elapsed it would be competent to the Parliament of Canada to make any law necessary to harmonize the law of New Brunswick with the law of the Union.

He gave notice that it was intended at a later stage to move an addition to the motion of Mr. Colby, if that should be adopted, in the following sense:—"And that this House deems it expedient that the opinion of the legal authorities in England should be obtained as to the right of the New Brunswick Legislature to make such changes in the School law as to deprive the Roman Catholics of the privileges they enjoyed at the time of the Union in respect of religious education in the Common Schools, with a view of ascertaining whether the care comes within the terms of the 5th section of the 93rd clause of the British North America Act, 1867, which authorized the Parliament of Canada to enact remedial laws for the due execution of the provisions respecting Education in the said Act.

If the local Act did come within the provisions of that section, it would be found quite competent for this Parliament to do that

May 29, 1872

justice which was necessary in case the Legislature of New Brunswick declined to act; but he would fain believe—he did from his heart hope that that Legislature would be disposed by its voluntary action to make such an alteration as to enable the minority to enjoy those privileges which they enjoyed at the period of the Union. If they should fail, however, to do this, it would be the incumbent duty of this Parliament, should the local law be a violation of the constitution, so to act as to restore the rights of which the minority would in that event have been unjustly deprived. He should be very glad to get the opinion to which he had alluded, because it would enable them to approach the subject with a greater degree of certainty as to what their position was and as to their power to pass a remedial law; which, however, he ventured to repeat, would, in his belief, be rendered unnecessary by the gracious and liberal conduct which he expected to be exhibited by the people of New Brunswick (*Applause*).

**Hon. Mr. GRAY** said if the argument of the member for Durham West (Hon. Mr. Blake) was correct, the law passed by the New Brunswick Legislature was unconstitutional, and could be set aside by the Courts. No question had yet arisen before the Supreme Court. He did not like any application to the English Law Officers, as they ought to be able to decide such questions themselves.

**Mr. WALLACE (Albert)** thought Parliament had no right to deal with the matter, as it rested entirely with the Local Legislature. The motion of the member for Victoria, New Brunswick (Mr. Costigan) was most mischievous, as all security was gone if it was decided that Parliament might override the action of Local Legislatures. He believed the law was fair and just to all. He thought the amendment of the member for St. John (Hon. Mr. Gray) must commend itself to the whole House, and he hoped it would be supported. He was glad the amendment of the member for Quebec (Hon. Mr. Chauveau) had been voted down, as no greater insult could be offered to the people of New Brunswick. He should vote for the amendment of the member for Stanstead (Mr. Colby) as a compromise of the matter.

The members were called in, and the division on **Mr. COLBY's** amendment was taken and resulted as follows: —Yeas, 117; Nays, 42.

(Division No. 21)

YEAS

Members

Abbott	Archambault
Ault	Baker
Beaty	Blake
Blanchet	Bodwell
Bolton	Bowman
Bown	Burpee
Cameron (Huron South)	Campbell
Carling	Carter
Cartier (Sir George-É.)	Cartwright
Chipman	Coffin
Colby	Connell
Crawford (Brockville)	Crawford (Leeds South)

Cumberland	Currier
De Cosmos	Dobbie
Drew	Ferguson
Ferris	Forbes
Fortin	Gaucher
Gibbs	Gray
Grover	Hagar
Heath	Hincks (Sir Francis)
Houghton	Howe
Hurdon	Irvine
Jackson	Jones (Leeds North and Grenville North)
Keeler	Kempt
Killam	Kirkpatrick
Langevin	Lapum
Lawson	Little
Macdonald (Glengarry)	Macdonald (Sir John A.)
McDonald (Lunenburg)	McDonald (Middlesex West)
Mackenzie	Magill
Masson (Soulanges)	McCallum
McConkey	McGreevy
McKeagney	McMonies
Metcalfe	Mills
Morris	Morison (Victoria North)
Morrison (Niagara)	Munroe
Nathan	Nelson
O'Connor	Oliver
Perry	Pickard
Pope	Pouliot
Ray	Redford
Robitaille	Ross (Prince Edward)
Ross (Victoria, N. S.)	Ross (Wellington Centre)
Ryan (King's, N. B.)	Rymal
Savary	Scatherd
Schultz	Scriver
Shanly	Smith (Westmorland)
Snider	Sproat
Stephenson	Stirton
Street	Sylvain
Thompson (Cariboo)	Thompson (Haldimand)
Thompson (Ontario North)	Tilley
Tourangeau	Tupper
Wallace (Albert)	Wallace (Vancouver Island)
Walsh	Webb
Wells	White (Halton)
Whitehead	Willson
Wood	Workman
Young—117	

NAYS

Members

Barthe
Béchar
Benoit
Bourassa
Carmichael
Cayley
Cheval
Costigan
Delorme (Provencher)
Dorion
Fortier
Gaudet
Gendron
Holton
Lacerte
McDougall (Trois-Rivières)
Pelletier
Power



Pozer  
Ross (Champlain)  
Tremblay

Renaud  
Ryan (Montreal West)  
Wright (Ottawa County)—42

The amendment was declared carried.

**Hon. Mr. DORION** said the motion implied a condemnation of the action of the New Brunswick Legislature, and he hoped that it would be amended. He did not think the House had a right to express that condemnation, and he desired to add a few words to the motion which would give relief to the Catholics of New Brunswick. The motion was merely to gloss over the difficulty by which the Government were menaced in a direct vote on the motion of the member for Victoria, New Brunswick (Mr. Costigan). To bring the matter as near as possible back to its original position, he moved that the following words be added to the motion—"And this House further regrets that, to allay such well-grounded discontent, His Excellency the Governor General has not been advised to disallow the School Act of 1871, passed by the Legislature of New Brunswick."

**Hon. Sir JOHN A. MACDONALD** said he was much obliged to the hon. gentleman for the straightforward manner in which he had put the vote of want of confidence, and they would receive it as such.

**Hon. Mr. ANGLIN** hoped every hon. member would know that he was choosing between justice to an oppressed minority and the convenience of hon. gentlemen opposite.

**Hon. Sir GEORGE-É. CARTIER** said that the member for Victoria, New Brunswick (Mr. Costigan), in offering an original motion which was to the same effect as the amendment now offered, had admitted that it was in effect a motion of want of confidence in the Government, though not desiring to give it that direction. The House had decided against it, and he hoped it would now reject this repetition of it in another shape.

**Mr. COSTIGAN** said he had no intention of attacking the Government in his original motion; but they had done their best to defeat his object, and he only regretted that he must vote a want of confidence; but he must regret that the Act had not been disallowed, and must so vote.

**Hon. Mr. BLAKE** asked whether the Government had any objection to the amendment of which he had given notice.

**Hon. Sir JOHN A. MACDONALD** said they had no objection at all to their decision being subject to the revision of the law officers of the Crown.

The members were called in, and **Hon. Mr. DORION'S** amendment was lost on the following division: —Yeas, 38; Nays, 119.

## (Division No. 22)

### YEAS

#### Members

Anglin	Barthe
Béchar	Bellierose
Benoit	Bourassa
Cameron (Inverness)	Caron
Cayley	Cheval
Cimon	Costigan
Coupal	Delorme (Provencher)
Delorme (Saint-Hyacinthe)	Dorion
Dugas	Fortier
Fournier	Gaudet
Geoffrion	Gendron
Godin	Holton
Joly	Lacerte
Masson (Terrebonne)	McDougall (Trois-Rivières)
Pâquet	Pelletier
Pinsonneault	Power
Pozer	Renaud
Ross (Champlain)	Ryan (Montreal West)
Tremblay	Wright (Ottawa County)—38

### NAYS

#### Members

Abbott	Archambault
Ault	Baker
Beaty	Beaubien
Bertrand	Blake
Blanchet	Bodwell
Bolton	Bowell
Bowman	Bown
Burpee	Cameron (Huron South)
Campbell	Carling
Carmichael	Carter
Cartier (Sir George-É.)	Cartwright
Chauveau	Chipman
Coffin	Colby
Connell	Crawford (Brockville)
Crawford (Leeds South)	Cumberland
Currier	De Cosmos
Dobbie	Drew
Ferguson	Ferris
Forbes	Fortin
Gaucher	Gibbs
Grant	Gray
Grover	Hincks (Sir Francis)
Houghton	Howe
Hurdon	Irvine
Jackson	Jones (Leeds North and Grenville North)
Keeler	Kempt
Kirkpatrick	Langevin
Lapum	Lawson
Little	Macdonald (Glengarry)
Macdonald (Sir John A.)	McDonald (Lunenburg)
McDonald (Middlesex West)	Mackenzie
Magill	Masson (Soulanges)
McCallum	McDougall (Lanark North)
McDougall (Renfrew South)	McGreevy
McMonies	Metcalfe
Mills	Morris
Morison (Victoria North)	Morrison (Niagara)
Munroe	Nathan
Nelson	O'Connor

May 29, 1872

Oliver	Perry
Pickard	Pope
Ray	Redford
Robitaille	Ross (Prince Edward)
Ross (Victoria, N. S.)	Ross (Wellington Centre)
Ryan (King's, N. B.)	Rymal
Savary	Scatcherd
Scriven	Shanly
Smith (Westmorland)	Snider
Sproat	Stephenson
Stirton	Street
Sylvain	Thompson (Cariboo)
Thompson (Haldimand)	Thompson (Ontario North)
Tilley	Tourangeau
Tupper	Wallace (Albert)
Wallace (Vancouver Island)	Walsh
Webb	Wells
White (Halton)	Whitehead
Willson	Wood
Workman	Wright (York West)
Young—119	

**Hon. Mr. MACKENZIE** was not satisfied that the new school act had dealt fairly with the Catholics of New Brunswick, or that the Government would have been justified in disallowing that act. The greatest care should be taken in interfering with local legislation, and especially in dealing with religious questions. He believed the secular system was best adopted to promote education throughout the country.

There seemed room for doubt in the matter of legislation in New Brunswick, and he therefore moved that the following words be added to the motion before the House: "That this House deems it expedient that the opinion of the law officers of the Crown in England, and if possible the opinion of the Judicial Committee of the Privy Council, should be obtained as to the right of the New Brunswick Legislature to make such changes in the school law as to deprive the Roman Catholics of the privileges they enjoyed at the time of the Union in respect to religious education in the common schools, with a view of ascertaining whether the case comes within the terms of the fourth subsection of the ninety-third clause of the British North America Act, 1867, which authorizes the Parliament of Canada to enact remedial laws for the due execution of the provisions respecting education in the said Act."

**Hon. Mr. ANGLIN** said if this were accepted it would be but fair, as the Minister of Justice held strong opinions on the subject, and might give a coloring to the case to be presented to the law officers of the Crown, that the hon. member for Durham West should be consulted in the preparation of the case. (*Cries of "Oh, oh!"*.)

**Hon. Mr. SMITH (Westmorland)** thought if any body was to be consulted it should be the Government of New Brunswick. (*Hear, hear.*) It would be better, however, to leave the matter in the hands of the Minister of Justice.

**Hon. Sir JOHN A. MACDONALD** thought that the suggestions of the hon. member for Gloucester (Hon. Mr. Anglin) would hardly

be concurred in by the hon. member for West Durham (Hon. Mr. Blake). It was for the interest of all parties that the proper construction of the law should be known, and the reference to the law officers of the Crown would settle that. He took it that the case to be presented to those officers should be settled satisfactorily to the Government of New Brunswick, and also to those who, like the hon. member for Gloucester (Hon. Mr. Anglin) were attacking the constitutionality of the School Act. That could be easily arranged by those who had petitioned against the Act, selecting some person in whom they had confidence in New Brunswick to settle their view of the case. (*Hear, hear.*)

**Hon. Mr. WOOD** said all that was wanted was a record of the Acts passed in New Brunswick upon the school question, with the provisions of the British North American Act respecting education. There should, he supposed, be counsel on either side; and, whatever cases were prepared for them, would be for the purpose of argument.

**Hon. Mr. BLAKE** said the object would be fully accomplished by the Catholics of New Brunswick, selecting some persons in whom they had confidence, to prepare their case. (*Hear, hear.*)

Then the Main Question, as amended, being put,

That this House regrets that the School Act recently passed in New Brunswick is unsatisfactory to a portion of the inhabitants of that Province, and hopes that it may be so modified during the next Session of the Legislature of New Brunswick, as to remove any just grounds of discontent that now exist; and this House deems it expedient that the opinion of the Law Officers of the Crown in England, and if possible the opinion of the Judicial Committee of the Privy Council, should be obtained as to the right of the New Brunswick Legislature to make such changes in the School Law, as deprived the Roman Catholics of the privileges they enjoyed at the time of the Union in respect of religious education in the Common Schools with the view of ascertaining whether the case comes within the terms of the 4th subsection of the 93rd Clause of the British North America Act, 1867, which authorizes the Parliament of Canada to enact remedial Laws for the due execution of the provisions respecting education in the said Act.

The House divided: and it was resolved in the Affirmative.

\* \* \*

## ADJOURNMENT

**Hon. Sir JOHN A. MACDONALD** moved that when the House adjourn it adjourn until Friday.

Carried.



May 29, 1872

**Hon. Mr. MACKENZIE** asked whether the estimates would be proceeded with on Friday.

**Hon. Sir JOHN A. MACDONALD** replied that on that day he would introduce the Bill relating to representation, and afterwards the Pacific Railway Bill would be taken up.

**Hon. Mr. MACKENZIE** asked whether the Representation Bill was printed.

**Hon. Sir JOHN A. MACDONALD** said it was printed in English, but not in French.

**Hon. Mr. HOLTON** gave notice that before going into Committee of Supply he would take the pleasure of the House on the propriety of the payment to Judge Johnson of a double salary during the time he had been engaged in the North-west.

The House adjourned at 12.30, until Friday.

May 31, 1872

## HOUSE OF COMMONS

Friday, May 31, 1872

The **SPEAKER** took the chair at 3.15 p.m.

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*Prayers*

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After Routine,

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## JUDICIAL SALARIES

**Hon. Sir JOHN A. MACDONALD** moved that the House go into Committee of the Whole tomorrow to consider a resolution to amend and extend the schedule to the Act 31, Vic., Cap. 33, and make provision for the salaries of judges and stipendiary magistrates in the Provinces of Quebec, Nova Scotia, Manitoba, British Columbia, &c. He said that it was his intention, in accordance with an act passed by the New Brunswick Legislature, to make provision for the appointment of an additional Puisne Judge in that province, the court consisting now of only a Chief Justice and one Judge.

The motion was carried.

\* \* \*

## HUDSON'S BAY COMPANY

**Hon. Sir FRANCIS HINCKS** moved that the House go into Committee of the Whole tomorrow to consider the following resolution:—"That it is expedient so to amend the Act respecting the loan for paying a certain sum to the Hudson's Bay Company, 34 Vic., Cap. 3, as to provide that the interest at five per cent per annum on any sum issued out of the consolidated fund of the United Kingdom under the Imperial Act respecting the said loan shall rank equally with the principal sum as a charge upon the Consolidated Revenue Fund of Canada, and that the investment and accumulation of the annual sums remitted for the Sinking Fund of the said loan shall be under the direction of the Treasury of the United Kingdom."

The motion was adopted.

## THE REPRESENTATION BILL

**Hon. Sir JOHN A. MACDONALD** stated that he would introduce the bill respecting Representation in the House of Commons tomorrow afternoon.

\* \* \*

## MARKING OF MERCHANDISE

On the motion of the **Hon. Sir JOHN A. MACDONALD**, the bill relating to the fraudulent marking of merchandise was read a third time and passed.

\* \* \*

## THE CANADIAN PACIFIC RAILWAY

Upon the next order being called for concurrence on the amendments made in committee to the bill respecting the Canadian Pacific Railway.

**Hon. Sir GEORGE-É. CARTIER** said the Government had agreed to act upon the suggestion that had been made on the other side with regard to the frontage of the land grants and reservations along the line of the Railway; and also in regard to the deposit of ten per cent to be required from the company undertaking the work. It was proposed to amend the 2nd section by providing that the deposit shall be placed in the hands of the Receiver General before any agreement is concluded between the Government and the company and shall remain in his hands until otherwise ordered by Parliament. The object of this amendment was to give the Government power at the end of four or five years, when the railway had so far advanced as to make its completion certain at an early day, to come before Parliament and ask leave to release the million deposit and pay it back to the company constructing the road. The money would be retained, however, until Parliament released it in favour of the company.

**Mr. GIBBS** asked why should not the words "ten per cent" in this clause be changed to \$1,000,000, for the company with which the Government made an agreement might have a capital of more than ten millions in which case the deposit would be more than one million.

**Hon. Sir GEORGE-É. CARTIER** said the company, before the government entered into an agreement with it, must have capital of



\$10,000,000 at least, and it would be upon that basis that the agreement would be made, but there was nothing to prevent the company afterwards increasing its capital if it saw fit.

**Mr. GIBBS** asked if the Government would pay interest upon the deposit of \$1,000,000 during the time it remained on the hands of the Receiver General.

**Hon. Sir GEORGE-É. CARTIER:** No, the Government would spend more than that amount upon the surveys and other preliminary operations, the payment for which would have to be made by the company so that it was better to say nothing at all about interest. (*Laughter.*)

Then he proposed to amend the third section by adding this proviso after the words "Dominion lands": "Provided that so far as it may be practicable none of such alternate blocks of lands aforesaid shall be less than six miles, nor more than twelve miles in front on the railway, and the blocks shall be so laid out that each block granted to the company on the side of the railway shall be opposite another block of like width reserved for the Government on the other side of the railway." The reason this amendment was proposed was that in laying out the land the Government intended to adopt a rule of making each township with a frontage of six miles on the railway as a block twenty miles square would be too large for one township, in such a great length of railway. It might be well, however, to have blocks of a greater frontage than six miles and accordingly power was given to make them twelve miles in frontage or two townships.

**Mr. CARTWRIGHT** asked whether the rights of the Hudson's Bay Company as to the lands reserved for it by the Act transferring the North West Territory would be affected.

**Hon. Sir GEORGE-É. CARTIER** said that no right of the company would be affected by the bill.

**Mr. MILLS** asked whether the rectangular system of surveys that had been adopted in Manitoba would be applied to these townships, and if so whether the base line would follow the line of the railway, for if not, the railway might go diagonally across the lots and a greater frontage than six miles would therefore be required.

**Hon. Sir GEORGE-É. CARTIER** said the general policy would be to adopt the rectangular system of survey as far as possible, but it was not to be expected that the matter of detail would be rigidly settled at the outset. That would be the general plan of the survey, but occasions might arise when there would be departures from it.

**Hon. Mr. MACKENZIE** said that as the depth of land granted was twenty miles there would be two miles left after deducting three townships of six miles each. What was to be done with those two miles?

**Hon. Sir GEORGE-É. CARTIER** said the Government had thought of that. The Company would have to adopt the same system of survey as the Government, and that would leave strips of two miles at the rear of the blocks. They would have to form gores the same as was the case in many parts of Ontario. Another amendment he intended to propose was to add to the same clause, the 3rd, the following words, "and such additional lands granted to the company and reserved by the Government shall be laid out in alternate blocks on each side of a common front line, in like manner as the blocks granted and reserved along the line of railway." This referred to the lands which might be granted to the company elsewhere than on the line of railway. He also proposed to amend the 15th clause by providing that at least 10 per cent of the capital of the company which the Government may charter shall be paid into the hands of the Receiver-General within one month after the date of the charter, and shall remain in his hands till otherwise ordered by Parliament.

He then moved that the report be not concurred in, but referred back to Committee of the Whole, with instructions to make these amendments.

**Mr. GIBBS** said that a deposit might be made by a company with which an agreement would be made by the Government. In that case, surely it was not intended to retain the deposit without paying interest upon it until the authority of Parliament was obtained to return it.

**Hon. Mr. BLAKE** said the objection was unanswerable. There must be provision for the return of the money immediately in case no agreement should be made with the company by the government.

**Mr. WALLACE (Vancouver Island)** suggested that Government securities might be received and repaid instead of money.

**Hon. Mr. ABBOTT** said that two or even more companies might each make a deposit of a million, and yet an agreement might be made with only one. The Government should take power, therefore, to pay back the money if no agreement was entered into.

**Hon. Sir GEORGE-É. CARTIER** said the Government would have no power under the bill to retain more than the one million of the company with which an agreement would be made.

**Hon. Mr. ABBOTT** proposed to add a few lines to the clauses, providing that if after placing the deposit in the hands of the Receiver-General the company should not enter into an agreement with the Government, the Governor in Council would have power to return such sum.

**Hon. Sir GEORGE-É. CARTIER** said he had no objection to this being done.

May 31, 1872

The motion was then carried, and the House again went into committee on the bill, **Mr. CARTWRIGHT** in the chair.

**Mr. MILLS** objected that if the townships were made only six miles square, it would prevent the introduction of the Canadian municipal system and compel a resort to the American agency system which he considered much inferior to the representative system of this country.

**Hon. Sir GEORGE-É. CARTIER** said the Government had adopted the plan of six-mile townships advisedly. Emigrants coming from Europe were acquainted even before they arrived with the American system and understood that they could procure quarter sections of 160 acres each. It would be an advantage, therefore, if the Canadian agents could tell them that while the soil was as good which could be offered to them in the Northwest the size of the lots they would receive would be the same as in the United States. The plan was the same as had been adopted in Manitoba and he did not think it would be well for the House to alter it.

**Mr. WRIGHT (York West)** thought the principle of laying out alternate townships along the line of the railway was wrong. The American plan was to take alternate sections of 160 acres and that, he thought, was calculated better to encourage settlement and promote the occupation of the country. He was sorry that the government had departed from that rule.

**Hon. Sir GEORGE-É. CARTIER** said the Government had considered that point and felt that it was not desirable to adopt the plan of laying out the land in alternate blocks of one hundred and sixty acres for in that case the Government would have had to assume all the expense and trouble of making the survey in detail upon all the lands instead of the Company.

**Mr. MILLS** insisted that townships thirty-six miles square would be so small that it would be too costly to introduce representative municipal institutions and the people would thus be forced to adopt the American plan of agencies which he considered very objectionable. He did not see why townships of sixty-four square miles instead of thirty-six should not be adopted, nor did he see that a large township would have any effect in decreasing emigration.

The first and second amendments were then agreed to.

Upon the question being put on the amendment to the 15th clause,

**Mr. GIBBS** asked whether the Government would not accept the suggestion of the hon. member for Vancouver Island (Mr. Wallace) and receive the deposit in Government securities instead of money if the company wished to make it in that form. It might be that the company would sell the securities to raise money, and then if an agreement was not made with the Government, it would have to

repurchase the securities and perhaps suffer serious loss in the transaction.

**Hon. Sir GEORGE-É. CARTIER** agreed to the proposal and the words "or Government securities," were added.

The Committee then rose and reported the amendments.

**Hon. Mr. MACKENZIE** said he had several amendments to move, but he did not wish to proceed in such a thin House. He thought the subject should be allowed to stand over till after the recess for dinner.

**Hon. Sir GEORGE-É. CARTIER** said he had no objections and would defer moving concurrence in the report till after half past seven.

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### SAVINGS BANKS

**Hon. Sir FRANCIS HINCKS** moved concurrence in the amendments made by the Senate in the bill to amend the Savings Bank Act.—Carried.

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### SUPPLY

**Hon. Sir FRANCIS HINCKS** moved concurrence in the items of the estimates previously adopted in Committee of Supply.—Carried.

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### SHIPPING OFFICE

**Hon. Mr. TUPPER** moved the House into Committee to consider the resolution declaring it expedient to provide for the appointment of a shipping office for seamen at Leitches Point in Nova Scotia, at which there is a custom house—**Mr. MILLS** in the Chair.

The resolution was adopted, and read a first and second time; and a bill was introduced founded thereon, and read a first time.

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### HALIFAX HARBOUR

**Hon. Mr. TUPPER** moved the House into Committee to consider the resolution declaring it expedient to provide for the appointment of a Harbour Master for the port of Halifax—**Mr. MILLS** in the Chair.



The resolution was adopted and a bill founded thereon was introduced and read a first time.

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### EMIGRATION

**Hon. Mr. POPE** moved the second reading of the bill to provide for the incorporation of the Emigration Aid Society.—Carried.

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### QUARANTINE

**Hon. Mr. POPE** moved the second reading of the Act relating to quarantine.—Carried.

**The SPEAKER** left the chair at 5.20, the House agreeing to consider it 6 o'clock.

## AFTER RECESS

### TORONTO CORN EXCHANGE

**Mr. GIBBS** in the absence of Mr. Beaty, moved the second reading of the bill to incorporate the Toronto Corn Exchange Association.—Carried.

The House went into committee on the bill, rose, and reported. Third reading tomorrow.

\* \* \*

### AGRICULTURAL INSURANCE COMPANY

**Mr. COLBY** moved the second reading of the bill to incorporate the Agricultural Insurance Company of Canada.—Carried.

The House went into committee on the bill, rose, and reported, and the bill was read a third time and passed.

\* \* \*

### ACCIDENT INSURANCE COMPANY

**Mr. CARTER** moved the second reading of the bill to incorporate the Accident Insurance Company of Canada.—Carried.

The House went into committee on the bill, rose and reported, and the bill was read a third time and passed.

## BILLS ADVANCED

**Mr. BARTHE** moved the second reading of the bill to incorporate the Sorel Board of Trade.—Carried.

The House went into Committee, rose, and reported, and the bill was read a third time.

**Hon. Mr. LANGEVIN** moved the second reading of the bill to incorporate the Board of Trade of the Town of Lévis.—Carried.

The House went into Committee, rose, and reported, and the bill was read a third time and passed.

**Mr. GIBSON** moved the second reading of the bill to incorporate the Missionary Society of the Wesleyan Methodist Church in Canada.—Carried.

The House went into Committee on the bill.

**Mr. MILLS** said the House would exceed its power in passing this act. He could not understand upon what ground they could give the power to hold real estate. They were not carrying out the principle of a federal union and were depriving the Local Legislatures of those powers which were necessary to give them that influence which every government should possess in order to produce the necessary prestige for the conduct of the affairs of the country.

**Hon. Mr. WOOD** said the question was could they take property otherwise than in conformity with the civil law of the several Provinces. He maintained that a company incorporated in the Province of Quebec could do business in any other Province of the Dominion, and that it was entirely a wrong impression to suppose that more power was obtained by procuring a charter from the Dominion. He thought that the Minister of Justice (Hon. Sir John A. Macdonald) should form an amendment to the third clause limiting the acquisition of property.

**Hon. Sir JOHN A. MACDONALD** replied that it would not be well at that moment to discuss so difficult a question as that opened by the member for Bothwell (Mr. Mills). The principle of the bill having been established that there might be a missionary society incorporated, having its missionary operations in all parts of the country, they must come to the conclusion that it was necessary. In order to hold real estate the corporation must have a Dominion existence. A missionary society incorporated for provincial purposes could not hold real estate in any other province than in that province from which it obtained its incorporation. The argument drawn by his hon. friend opposite from the fact that foreign corporations were acknowledged by the International Congress did not come in there. No decisions went so far as to show that foreign corporations could hold real estate in England and therefore this corporation holding property in the Dominion must get power somewhere. It might be that this Parliament could incorporate this Missionary Society throughout the Dominion, and

May 31, 1872

the Local Legislatures giving it powers to hold real estate. Before Confederation each Province could have passed this Act. When the British North America Act was passed it was designed that the Dominion Parliament should have all the powers possessed by the different Provincial Legislatures before the union.

The member for Bothwell had drawn a comparison between the constitution of the United States and that of Canada. The constitution of the former is this: "Every State has its own sovereign jurisdiction with the exception of those special powers reserved to Congress. If there was any power not specially and expressly given to the United States by the Constitution, it belonged to the different States." Our constitution is just the reverse. All rights incidental to sovereignty, belong to the Dominion Parliament, except those powers which we cannot exercise so long as we are dependent upon Great Britain. This Parliament can do whatever is necessary for the peace and welfare of the Dominion of Canada. Holding those views, it would be unwise to limit the clauses of the Act under discussion. Until decided by the proper tribunals such questions would arise continually and the House must allow these charters to be asked for and granted. The applicants must be aware that they are taking them subject to the decision of the Courts. The question was surrounded with difficulty. It was a matter of congratulation that they had got on so many years with so little difficulty. Until the courts had given their decision each case must rest on its merits.

After some remarks from **Mr. MILLS**, in which he differed from the views of the Minister of Justice as to the Constitution of the United States, the committee rose and asked leave to sit again.

\* \* \*

### CANADIAN PACIFIC RAILWAY

**Hon. Sir GEORGE-É. CARTIER** moved concurrence in the report of Committee of the Whole on the Pacific Railway Bill.

**Hon. Mr. BLAKE:** As he had intimated the other evening, he desired to take the sense of the House as to the route the railway should take from the south of Lake Nipissing. Hon. gentlemen opposite had stated that they had not sufficient information before them to enable them to determine which route should be adopted. He had thought that that was an argument in favour of postponing the matter, but he now intended to move, as a way of meeting the difficulty, that the railway should pass, if practicable, by the south and west of Lake Nipissing. The information before the House pointed to an intention of taking the road by the east and north. It was the route the Chief Engineer had laid down in the first instance without having made a survey in the other direction at all.

Under these circumstances, and believing as he did that the Province of Ontario would suffer materially unless every exertion was made to bring the road by the south and west, he would move an amendment to the first clause to the effect, "that the railway be

constructed by the south and west of Lake Nipissing, if found to be practicable."

**Hon. Mr. HOLTON** asked whether the hon. member for Durham West was prepared to make any statement as to the distance of the route which he advised. It might be thought that route would be the nearest to Lake Ontario, but the question was whether it was the shortest route.

**Hon. Mr. BLAKE** was not prepared to give an opinion on it, but from what he had gathered during the discussion of the question, he did not think that the road would be appreciably lengthened by adopting the western route.

**Hon. Sir GEORGE-É. CARTIER** said that the proposition of the hon. member was met by the reply that they did not know enough at present to bind themselves that the Railway should pass between Lake Nipissing and the Georgian Bay because it was the short and long of the proposition of the hon. member that it should pass that way. In stating on the measure that the terminus should be in the south shore, he thought that the Government had done enough. If it was found to be more advantageous to the Dominion that the line should run by the north-east, that route would be adopted. But the hon. member would like that the north should not have any chance at all for that reason; and in the absence of information that it was impossible to pass between Lake Nipissing and the Georgian Bay, he thought it would be wrong in this House to say which route should be adopted. The hon. member for Ottawa County (Mr. Wright) had expressed fears that the north shore would not have a chance; but he (Hon. Sir George-É. Cartier) would say that the north would have a chance if it was found to be the best route to the south shore of Lake Nipissing.

The amendment was then put and lost: —Yeas, 51; Nays, 91.

(Division No. 23)

### YEAS

#### Members

Ault	Beaty
Blake	Bodwell
Bowell	Bowman
Brown	Cameron (Huron South)
Cartwright	Crawford (Leeds South)
Dobbie	Drew
Gibbs	Grant
Grover	Hagar
Jackson	Kempt
Lapum	Lawson
McDonald (Middlesex West)	Mackenzie
Magill	McCallum
McConkey	McMonies
Merritt	Metcalfe
Mills	Morison (Victoria North)
Munroe	Oliver
Ross (Dundas)	Ross (Prince Edward)
Ross (Wellington Centre)	Rymal
Scatcherd	Snider
Stephenson	Stirton
Street	Thompson (Haldimand)



Thompson (Ontario North)  
Wells  
White (Hastings East)  
Wood  
Young—51

Wallace (Albert)  
White (Halton)  
Whitehead  
Wright (York West)

## NAYS

## Members

Abbott	Archambault
Barthe	Beaubien
Béchar	Bellerose
Benoit	Bertrand
Blanchet	Bourassa
Burpee	Cameron (Inverness)
Campbell	Carling
Caron	Carter
Cartier (Sir George-É.)	Cayley
Chauveau	Cheval
Cimon	Coffin
Colby	Costigan
Coupal	Crawford (Brockville)
Daoust	De Cosmos
Delorme (Provencher)	Delorme (Saint-Hyacinthe)
Dorion	Dugas
Ferguson	Ferris
Fortier	Fortin
Fournier	Galt (Sir A.T.)
Gaucher	Gaudet
Geoffrion	Gendron
Godin	Gray
Hincks (Sir Francis)	Holton
Irvine	Jones (Leeds North and Grenville North)
Keeler	Killam
Lacerte	Langevin
Little	Macdonald (Sir John A.)
Masson (Soulanges)	Masson (Terrebonne)
McDonald (Lunenburg)	McDougall (Lanark North)
McDougall (Trois-Rivières)	McGreevy
McKeagney	Morris
Nathan	Nelson
O'Connor	Pâquet
Pelletier	Perry
Pinsonneault	Pope
Pouliot	Pozer
Ray	Renaud
Robitaille	Ross (Champlain)
Ross (Victoria, N. S.)	Ryan (King's, N. B.)
Ryan (Montreal West)	Shanly
Simard	Smith (Selkirk)
Smith (Westmorland)	Tilley
Tourangeau	Tremblay
Tupper	Wallace (Vancouver Island)
Walsh	Webb
Workman—91	

country, and in his opinion an eastern terminus should be selected. He therefore moved that the bill be amended for the purpose of providing "that the eastern terminus of the Pacific Railway shall be at some point west of the Ottawa River as shall be found to afford the shortest practicable route from the Pacific Ocean to such eastern terminus and not, as provided by the Bill, at some point south of Lake Nipissing."

**A MEMBER:** It might be to the west of Lake Nipissing.

**Hon. Mr. DORION:** Certainly, if it were found to be the shortest route.

**Hon. Sir A.T. GALT** would have preferred, in the absence of definite information, to have left the matter in the hands of the Government. The proposition to make the terminus at some point west of the Ottawa River, considering the extent of that river, was very indefinite.

**Hon. Mr. McDOUGALL (Lanark North)** said that there was no doubt that it was important that the Pacific Railway should connect with our railway system by the shortest possible route; but at the same time that should not be the only consideration as it was of paramount importance that the settled portions of the country should be considered so as to afford accommodation to the population. He had regretted that the member for Durham West (Hon. Mr. Blake) should have made his motion after the explanation made by the Government as it might be inferred that the House voted against the western route. But should the motion of the hon. member for Hochelaga (Hon. Mr. Dorion) be voted down, which favoured the northern route, it would be apparent that the Government and the House were desirous of selecting the route best suited to the interest of the Dominion generally. (*I hear, hear.*)

The amendment was then put to the vote and lost: —Yeas, 15; Nays 125.

(Division No. 24)

## YEAS

## Members

Béchar	Bourassa
Cheval	Coupal
Delorme (Saint-Hyacinthe)	Dorion
Fortier	Fournier
Geoffrion	Godin
Holton	Joly
Pâquet	Pelletier
Smith (Westmorland)—15	

## NAYS

## Members

Abbott	Archambault
Ault	Barthe
Beaty	Beaubien
Bellerose	Benoit
Bertrand	Blake

**Mr. GRANT** said he had mistaken the nature of the amendment of the hon. member for Durham West (Hon. Mr. Blake) and desired to change his vote.

**The SPEAKER** said that the hon. gentleman could not do so now, but could move tomorrow to amend the journals.

**Hon. Mr. DORION** thought that the question of the terminus ought to be determined in the interest of the whole Dominion. It should be selected so as to make it the cheapest route across the

May 31, 1872

Blanchet	Bodwell
Bowell	Bowman
Bown	Brown
Burpee	Cameron (Huron South)
Cameron (Inverness)	Campbell
Carling	Caron
Carter	Cartier (Sir George-É.)
Cartwright	Cayley
Chauveau	Cimon
Coffin	Colby
Costigan	Crawford (Brockville)
Crawford (Leeds South)	Daoust
De Cosmos	Delorme (Provencher)
Dobbie	Drew
Dugas	Ferguson
Ferris	Forbes
Fortin	Galt (Sir A.T.)
Gaucher	Gaudet
Gendron	Grant
Gray	Grover
Hagar	Hincks (Sir Francis)
Irvine	Jackson
Jones (Leeds North and Grenville North)	Keeler
Kempt	Lacerte
Langevin	Lapum
Lawson	Little
Macdonald (Sir John A.)	McDonald (Middlesex West)
Mackenzie	Magill
Masson (Soulanges)	Masson (Terrebonne)
McCallum	McConkey
McDougall (Lanark North)	McDougall (Trois-Rivières)
McGreevy	McKeagney
McMonies	Merritt
Metcalf	Mills
Morris	Morison (Victoria North)
Munroe	Nathan
Nelson	Oliver
Perry	Pinsonneault
Pope	Pouliot
Pozer	Ray
Redford	Renaud
Robitaille	Ross (Champlain)
Ross (Dundas)	Ross (Wellington Centre)
Ryan (King's, N. B.)	Rymal
Scatcherd	Shanly
Simard	Smith (Selkirk)
Snider	Sproat
Stephenson	Sturton
Street	Thompson (Haldimand)
Thompson (Ontario North)	Tilley
Tremblay	Tupper
Wallace (Albert)	Wallace (Vancouver Island)
Walsh	Webb
Wells	White (Halton)
White (Hastings East)	Whitehead
Willson	Wood
Workman	Wright (York West)
Young—125	

**Hon. Mr. MACKENZIE** said that the question of the terminus had now been practically determined, but he attached much more importance to the provisions of this bill which made it one of the most dangerous Acts ever passed by the Legislature. If there were one thing that they ought to be more careful and guarded about than another it was to maintain the functions which properly belonged to them as a legislature, to maintain the independence of the

Executive, and to prevent that tendency to encroachment upon their legislative powers which was ever present to a greater or less extent with the Executive. The leader of the Government had remarked that he was in favour of centralization; that was very clearly shown in this bill. No centralization was worse than centralization power in the Dominion Executive. The Minister of Militia (Hon. Sir George-É. Cartier), in introducing this bill, told them with a great deal of humour and pleasantry that “the Governor in Council was a great institution.” If bills like this were allowed to pass it would indeed become “a great institution,” an institution that would swallow up all the other institutions of the country, and would centralize all power in the hands of the Government.

He proposed to test the sense of the House upon this matter, and while it was evident that there was impatience of the debate tonight in the House, it was quite as evident that those holding the views he did were bound to place them on record because he believed that if they entrusted this extensive power to the Executive they would soon have other encroachments upon their authority that would practically make this Legislature the second instead of the first power in the country. He knew the excuse that would be urged by the Government was this: that, in absence of better information which would enable them to bring down a more definite scheme, it was essential that the Government should take the extensive powers asked by this bill in order to implement to the utmost extent the agreement with British Columbia.

But, as he took occasion to remark the other day, he did not believe that the construction of this road would be facilitated by undue hurry at the commencement. He believed, on the contrary, that all the evidence went to show that an unwise beginning was sure to lead to calamitous proceedings for many years. In his opinion, the proper course to take was to have a thorough instrumental survey of the road made. That would enable the Government to lay down by profile the extent of the works to be encountered in the construction of the road and enable the contractors to ascertain with something like exactitude the distance from the base of operations. He believed that with all this information to obtain, which would take a year or perhaps two, the construction of the road could be proceeded with much more rapidly than was possible under the present arrangement. It was said the Government by this plan saved the expense of a survey; but they would actually save nothing because if the Company had to pay the expense of the survey they would make an allowance for it in their tenders. The question then was whether it was wise under these circumstances to proceed in this hurried manner. He believed it was not, and in consequence of this hurried proceeding the Government felt themselves obliged to take powers which no Government in this country in his recollection ever before asked from Parliament.

If there was one thing to be astonished at more than another in the course of the life of this Parliament it was the wonderful facility with which they had permitted the Government to assume formidable powers like those asked for in this Bill. He was quite sure the sense of the country was against this. He was sure all the



practice of parliamentary government was opposed to the assumption of such power; and he was certain that when the country fully understood the extent to which power was taken they would come to see the great danger to our institutions involved in this Bill. It might be said—and there was some truth in it—that in a community like ours any serious encroachment upon the powers of the Legislature was exceedingly difficult to accomplish; still it could be accomplished and Earl Russell, among other recent writers on constitutional government, called attention in his work to the serious danger there was even in England which had been used for centuries to parliamentary government and for a long period to very extensive parliamentary control over the Crown—of allowing the power of the Crown to encroach upon the proper functions of the legislature; and Earl Russell called the attention to the fact that one danger that they had endeavoured to set before the House on several occasions had attained occasionally great dimensions in England, namely, that of allowing placemen to obtain seats in Parliament or, in other words, of allowing the Government to place members of Parliament in a position of dependence upon the Government. This was one form of overcoming the influence and power of Parliament.

Another and one still more dangerous was in the Government of the day, in bills like the present, gravely assuming to themselves the power to give Orders in Council the power and validity of an Act of Parliament. This was the power they sought for at present; and in order to test the sense of the House upon the subject, he would move, seconded by **Hon. Mr. HOLTON**, that the bill be committed, with instructions to amend such sections as gave to the Governor-in-Council the power to grant to a railway company a charter possessing the authority and validity of an Act of the Legislature, and also such sections as confer upon the Governor-in-Council authority to change the Act of Parliament by expunging there from all such provisions, as the granting of such powers to the Executive would be an abrogation by Parliament of its proper functions and involves the introduction into our political system of a principle at variance with Parliamentary Government.

**Hon. Sir GEORGE-É. CARTIER** said the hon. gentleman seemed to try to represent this Bill as a monster and to frighten members by the cry of an usurpation of legislative functions by the Government. That was not so. The principal question had been determined by Parliament not by the Governor-in-Council. What he had to settle was only what company the agreement should be made with and what route the railway should take. The Governor was not to vote the money or grant land unauthorized. No Government in our free country could dare to make such a proposition. If the Government could not find an incorporated company, it had power to give a charter to a company: not a capricious charter, but one founded on this Act and on the general Railway Act. The land granted would be principally Dominion land, even in British Columbia where 20 miles on each side of the railway had been granted to the Dominion Government.

The hon. gentleman said that was a usurpation of the rights of Parliament. The late Parliament of Canada had authorized the

Governor-in-Council to grant charters to companies for manufacturing and other purposes. They had other precedents sanctioned by the hon. member himself. They had given power to the Governor-in-Council to grant bank charters and to issue bank notes, a power more dangerous than that now proposed to be granted. If the functions of Parliament were now being usurped, they were then usurped. They had given such power in the Provinces to the Governor-in-Council.

**Hon. Mr. HOLTON:** Under the general law.

**Hon. Sir GEORGE-É. CARTIER:** And is not this under the general law?

**Hon. Mr. HOLTON:** I hope not. I hope it is a great exception.

**Hon. Sir GEORGE-É. CARTIER** hoped the House would not be frightened by the bugbear of the invasion of parliamentary rights, but would support the great institution of the Governor-in-Council. (*Laughter.*) He reiterated that it was a great institution in our country, because it had always been so wisely, so economically, and so beneficially administered. (*Laughter.*)

**Hon. Mr. HOLTON** called attention to the fact that, although the Government sought power to incorporate banks by issuing letters patent, the House was against it and they shrank from enforcing their demand. They had no such power as the Minister of Militia claimed they had. What was the use of this Parliament incorporating companies and demanding that certain formalities be complied with before their petitions could be considered when the Government could grant a charter at pleasure to a company to construct this stupendous work? To illustrate: Mr. Reekie and others of Montreal applied for an Act of incorporation for the construction of this railway, but through failure to comply with the rule requiring two months' notice to be given before meeting of Parliament, the railway committee would not even consider Mr. Reekie's petition. Of course the Minister of Militia was aware of the circumstances, having prevented the consideration.

**Hon. Sir GEORGE-É. CARTIER** [excitedly]: I never appeared before the Railway Committee.

**Hon. Mr. HOLTON:** Of course the hon. gentlemen did not, but he had a mode of keeping his camp in order, as he said himself, without appearing on the scene. The Committee refused to suspend the rules and notice of motion to get the rules suspended was placed on the papers. Finding the Lower Canada members were hostile to it, the motion was not brought before the House. Mr. Reekie and his friends, who could not even get their petition considered by the Railway Committee, could come to this Government and might be the very parties with whom the Government would contract for the construction of the road. A small fact would show more forcibly than argument the proposition of the hon. gentleman, than which proposition he (Hon. Mr. Holton) had never known one more objectionable submitted to Parliament during his term of public experience.

May 31, 1872

**Hon. Sir A.T. GALT** thought that Hon. Mr. Holton's argument amounted to nothing. If the parties he had referred to were the best to carry out this undertaking, the Government would be to blame if they did not select them. If any other conclusion were come to save this, that the Government could grant charters, the Government would find themselves unable to deal with any companies except those two or three which had given notice and got Acts of incorporation from Parliament. He saw no derogation from the rights of Parliament in this measure. It was done in England, where you could get a charter for a company for almost any purpose under the sun.

**Hon. Mr. HOLTON:** Not for railways.

**Hon. Sir A.T. GALT** considered that the amendments which had been made and agreed to by the Government were almost without exception in the direction of making difficulties in the way of carrying out this undertaking. He had been of the opinion that it was unwise to enter upon the undertaking at all, that the time was so short in which to construct the railway, but Parliament undertook to construct this work in ten years and were bound as an honourable body to carry out that obligation in the best way they could. He saw clearly that the work could not be done in ten years from 1871, unless great powers were given to the Government for which they must be held to strict account. He was convinced that very great risk would attach to those who entered into this undertaking, and that to get it completed in anything like the specified time the Government would have to make the assistance available as speedily and efficiently as possible. He was satisfied that there was no basis of traffic existing upon which \$100,000,000 could be raised. (*Hear, hear.*) Few of them had any adequate idea of what 50,000,000 acres of land meant. To bring that territory into the market a vast quantity of work must be got through. Unless it were sold, he did not see how the money was to be obtained, and to sell it involved continental arrangements for immigration on a very large scale and expenditure to bring immigrants to this country.

He was afraid there would be great disappointment as to the time of the completion of the work and as to the success of those who engaged in it. It seemed to be supposed that the work would commence at both ends; but the prudent course to take would be to begin at as many points at once as were accessible; but with the provisions of the bill for only giving the assistance on the completion of the sections, that could hardly be done. If these sections were short, the line would not be completed in the expected time; if long, no company, he believed, would be able to find the money to carry on the work so long without assistance. He should vote against any amendment which would restrain the Government in carrying out the work.

**Hon. Mr. WOOD** said it seemed, from the remarks of the hon. gentleman, that this was a most alarming undertaking and yet the whole of this power was thrown upon the Government of the day and the House was denuding itself of all power and control over the undertaking. (*Hear, hear.*) The hon. member deplored this state of

things, but said the work could not be done without; so the "one-man-power" was to give away \$30,000,000 of our money and 50,000,000 acres of our land, which would be a mere drop in the bucket as to what the cost would ultimately be.

The idea seemed to have been entertained that they could commence at both ends simply, but of course they must begin at all accessible points. But as the member for Sherbrooke (Hon. Sir A.T. Galt) had shown, this could not be done in the face of the provision that the money should only be paid when certain parts of the road were completed. The great difficulty in a work of this kind was in organizing and getting the supplies on the spot and opening the ground, and to do this would involve the expenditure of millions on millions. No company could raise the money on the security of a few blocks of land and the assurance of getting assistance as sections were completed. Very likely the whole affair would turn out a fiasco in the end. (*Hear, hear.*) The \$30,000,000 would be expended, the land locked up, and the line useless.

**Hon. Sir JOHN A. MACDONALD** said if the House were to judge from the majority of speakers on the amendment, the Government had erred in having placed great limits on their own powers rather than too great an extension of them.

**Hon. Mr. HOLTON:** Hear, hear.

**Hon. Sir JOHN A. MACDONALD** said he was free to confess he believed there was a great deal in what the hon. member for Sherbrooke (Hon. Sir A.T. Galt) had said. Parliament should have left the Government such power as would insure the uninterrupted and speedy construction of the road. Parliament, however, seemed desirous of placing a limitation on the powers of the Government and the clauses of limitation were therefore inserted. He did not think the objection at all a fatal one to the success of the enterprise. The company or capitalists with whom the Government would deal would be solvent and such as they believed competent to carry out the work. Such company would be known to the capitalists of the world and they could, by means of their credit and the subsidies to be given them on land and money, be enabled to raise all capital necessary, in addition to their own, to construct the road.

He did not see there was any usurpation of power on the part of the Government in this Act. Parliament decided where the road should begin and end; how much assistance in money and land, and no more, it should receive; and all that was left to the Government to decide—and that of necessity, as the hon. member for Sherbrooke (Hon. Sir A.T. Galt) had shown—was to select men that were to proceed without delay to make the road. The terms were there, no matter who were to undertake the work—whether Sir Hugh Allan or Mr. Macpherson, or others whose names had been spoken of in connection with it. All the Government asked was to have the selection of the company, and one reason for that was they desired to carry out the agreement with British Columbia. If the company were to be selected and approved by Parliament no step could be taken towards constructing the road before next year.



Parliament would meet in February, and sit until May, and nothing could be done towards carrying out the pledge to British Columbia, of commencing the construction of the road within two years until after the close of the session. He was sure every hon. gentleman opposite, though he might be politically opposed to the Government of the day, was satisfied they would do their best to get a solvent honest company to undertake the construction of the road.

The hon. member for Châteauguay (Hon. Mr. Holton) would not accord them his political confidence. He would give them so much of his confidence as a man of business as to believe they would endeavour to get such an honest, straightforward company as would push the work to completion. As for granting a charter, he wished to know what was the difference between giving the contract to either or both of the companies whose charters were now before the Railway Committee, or to real capitalists outside? Rich as the members of those companies might be as individuals, all their wealth would not build 50 miles of the road.

The object of the Government in inserting this clause was to prevent such a combination of the companies as might create a monopoly, as had been the case with the Atlantic cable companies. The two companies now being chartered might amalgamate and say, "We have got the charters, and you must either deal with us and on our terms, or break faith with British Columbia." The faith of the country must be kept at all hazards. With this clause in the Bill the Government could deal with capitalists in London or New York. It was simply to prevent monopoly and keep those companies in order. It was in the interests of the country that the clause was inserted. The Government did not ask for any discretion over money or land. They only asked such powers as were requisite to decide which, after a careful survey, would be the best line for the country, and who were the best capitalists to be entrusted with the building of it.

**Hon. Mr. MACKENZIE** said the remarks of the hon. member for Sherbrooke (Hon. Sir A.T. Galt) had proved that the undue haste with which the work was being pushed forward had given rise to this extraordinary legislation. He could understand the argument as to taking extraordinary powers to meet any extraordinary emergency which had arisen; but they were not creating that emergency.

**Hon. Sir A.T. GALT:** We did last session.

**Hon. Mr. MACKENZIE** denied that entirely. It was true they were bound to commence the work within two years, but they had been much more bound to begin the Intercolonial Railway within six months. But the Premier, four years and a half ago, argued that they were commencing that road when they were placing surveyors upon it. (*Hear, hear.*) He (Hon. Mr. Mackenzie) believed that was a fair commencement. He believed they were losing ground by this haste, that they were beginning the wrong way, and one of the results would be that either the road would cost more than it should, or some company would undertake it in blind confidence as to the

result, knowing nothing of the ground, and would break down, so that they would have the thing on their hands with only a million dollars to fall back upon. (*Hear, hear.*) He denied that the Joint Stock Act was any precedent and showed in what respects it differed from this measure; but he defied the hon. member for Sherbrooke (Hon. Sir A.T. Galt) to find any Bill passed by the House which gave the Government power to change an existing Act of Parliament.

**Hon. Sir A.T. GALT:** I did not say that.

**Hon. Mr. MACKENZIE** observed that that was one of the powers given by this Bill and the hon. member would find no previous Act of Parliament which committed the power to the Government irrespective of that of which he had just spoken, which this did. He did not doubt that Parliament had the power to do this, but he argued that they ought not to do it. It was, in his opinion, one of the most dangerous acts that ever a legislature was guilty of, to pass the Act in its present shape.

He advocated commencing in the middle of the line where everything was in favour of the undertaking. He was prepared to do his utmost to accomplish this work. He had always believed that the building of a Pacific Railway was essential for the country and while endorsing the views of the hon. member for Sherbrooke (Hon. Sir A.T. Galt) as to the commercial advantages to be derived from it at present, he was not blind to the advantages which would accrue before many years from the rich country around the centre of the line. While he was willing to give every fair assistance to the Government in the accomplishment of this work, he was bound to resist such usurpations of power, though he had only half a dozen men to stand at his back. (*Applause.*)

**Mr. FERGUSON** said he thought the House would see clearly that the arguments of the hon. gentleman who had just taken his seat (Hon. Mr. Mackenzie) were entirely based upon supposition. He believed that it was the hearty desire of the Government to deal fairly and honestly with the two companies offering to build the railway and it was only just that the Government should have the power to take the contract out of their hands if they did not comply with its provisions. He would prefer leaving it in the hands of the Government to settle the matter rather than to the decision of the House. They had had sufficient evidence in Ontario to prove that bringing such a matter before Parliament was nothing but a mockery.

**Mr. THOMPSON (Cariboo)** was present some three months ago when the Legislature of Ontario voted two million dollars to railways, and could endorse the statement of the hon. gentleman who had just sat down that the process was a farce. The matter was brought down shortly before prorogation and pushed through without time being given for consideration. He thought it much safer to leave the money in the hands of the Government. He hoped the House would look upon the construction of the road as a national necessity and push it forward to completion without delay.

May 31, 1872

A good deal had been said about the grades of the Canadian Pacific and he could state that the elevation of the Leather Head Pass was 3,760 feet, that of the Union Pacific Railway 8,260, and that of the Central Pacific 7,042 feet, the grades of the Central Pacific being as much as 66 1/2 feet to the mile in places. He would vote against the amendment of the member for Lambton (Hon. Mr. Mackenzie).

The House divided on **Hon. Mr. MACKENZIE'S** amendment:—Yeas, 52; Nays, 97.

(Division No. 25)

YEAS

Members

Anglin	Béchar
Blake	Bodwell
Bourassa	Bowman
Burpee	Cameron (Huron South)
Carmichael	Cartwright
Cheval	Coupal
Delorme (Saint-Hyacinthe)	Dorion
Ferris	Fortier
Fournier	Geoffrion
Godin	Hagar
Holton	Joly
Kempt	Mackenzie
Magill	McConkey
McMonies	Metcalfe
Mills	Morison (Victoria North)
Oliver	Paquet
Pelletier	Pozor
Redford	Ross (Dundas)
Ross (Prince Edward)	Ross (Wellington Centre)
Rymal	Scatcherd
Snider	Stirton
Thompson (Haldimand)	Thompson (Ontario North)
Wallace (Albert)	Wells
White (Halton)	Whitehead
Wood	Wright (Ottawa County)
Wright (York West)	Young—52

NAYS

Members

Abbott	Archambault
Ault	Beaty
Beaubien	Bellerose
Benoit	Bertrand
Blanchet	Bolton
Bowell	Bown
Cameron (Inverness)	Campbell
Carling	Caron
Carter	Cartier (Sir George-E.)
Chauveau	Cimon
Coffin	Colby
Costigan	Crawford (Brockville)
Crawford (Leeds South)	Cumberland
Currier	Daoust
De Cosmos	Delorme (Provencher)
Dobbie	Drew
Dugas	Ferguson
Forbes	Fortin

Galt (Sir A.T.)	Gaucher
Gaudet	Gendron
Grant	Gray
Grover	Hincks (Sir Francis)
Houghton	Irvine
Jackson	Keeler
Kirkpatrick	Lacerte
Langevin	Lapum
Lawson	Little
Macdonald (Sir John A.)	McDonald (Lunenburg)
McDonald (Middlesex West)	Masson (Soulanges)
Masson (Terrebonne)	McCallum
McDougall (Trois-Rivières)	McGreevy
Merritt	Morris
Morrison (Niagara)	Munroe
Nathan	Nelson
Perry	Pinsonneault
Pope	Pouliot
Ray	Renaud
Robitaille	Ross (Champlain)
Ross (Victoria, N. S.)	Ryan (King's, N. B.)
Ryan (Montreal West)	Schultz
Scriver	Simard
Smith (Selkirk)	Smith (Westmorland)
Sproat	Stephenson
Street	Thompson (Cariboo)
Tilley	Tourangeau
Tremblay	Tupper
Wallace (Vancouver Island)	Walsh
Webb	White (Hastings East)
Willson—97	

**Hon. Mr. MACKENZIE** said he desired to place his views on record with regard to the disposition of the public lands. The Minister of Militia (Hon. Sir George-É. Cartier) the other day did not feel himself at liberty to say they would sell Government lands at a price lower than that which the company would charge and he would not promise that any provision would be made whereby settlers should obtain free grant lands on the ground that it would injure the prospects of the companies selling their lands. It was very important to the country that settlers should be free to enter upon the possession of these lands whether they belonged to the company or the Government. Some grants were made in the United States where the terms of sale were embodied in the grant to the company, and in other cases the Government sold the lands and gave the proceeds to the company. Whatever scheme was arranged, he wished to provide that no possession by the company of tracts of land should entitle them in any way to shut up settlers from taking possession of any unsold or unoccupied lands.

He would therefore move, seconded by **Hon. Mr. DORION**, that the Bill be recommitted with instructions so to amend the same as to provide that actual settlers may enter upon any unsold or unoccupied lands belonging either to the company to be entrusted, with the construction of the railway, or to the Government in the alternate blocks reserved, on terms and conditions to be made, which terms and conditions should be subject to the approval of Parliament, and further to provide that nothing therein should prevent provision being made for setting apart the portions of the land reserved by Government, in the alternate blocks elsewhere, as free grants to actual settlers.



**Hon. Sir JOHN A. MACDONALD** said the hon. member had asserted time and again that we had not the means of constructing the road, yet he proposed to take away the most necessary means at the command of Government. It was an insidious attempt to destroy the road. The proposition was to put a tax upon the people of the older provinces in order to let the emigration of the world go into the North-West and enjoy a country we have opened up. There was plenty of land open for free settlement beyond the twenty-mile belt along the line of railway. It was preposterous to ask the people of Canada to pay for constructing a road past the doors of future settlers in the North-West.

**Mr. YOUNG** considered this the most objectionable part of the whole scheme. The American Congress, in granting aid to railways, never agreed to hold alternate blocks for sale only. He would prefer that a larger money grant should be given the company. The free-grant system had been tried with older provinces and proved successful. The practical result of this large land grant and reserve would be to prevent the free-grant system being adopted in the North-West.

**Hon. Mr. MACKENZIE** said his object was to have the North-West rapidly settled. Now, we were not paying the money. We were borrowing it, and every man settling in the North-West would aid in paying off the debt. His object was rapid settlement and consequently the rapid payment of the debt. All his resolution provided for was that the company should not prevent the settlement of the lands. He desired that the right of pre-emption should obtain alike over the company's and over the Government lands, and it was advisable to provide that nothing in the Act should prevent the Government from making provision for free-grants either in the alternate blocks they reserved or elsewhere.

**Hon. Sir A.T. GALT** opposed the amendment on the ground that it was an interference with the lands granted to the company and so far as it related to the Government lands, it was entirely unnecessary. There was nothing in the bill binding the Government in giving these lands to settlers as free grants. He would oppose the resolution, because he believed it unfair to the company undertaking the construction of the road.

**Hon. Sir GEORGE-É. CARTIER** contended that if the course proposed by the member for Lambton (Hon. Mr. Mackenzie) were adopted, they would have to borrow \$100,000,000 which would involve an annual charge upon the revenue of \$5,000,000 which would have to be met by increased taxation.

The House divided on **Hon. Mr. MACKENZIE'S** amendment:—Yeas, 33; Nays, 101.

(Division No. 26)

## YEAS

### Members

Blake	Bourassa
Bowman	Carmichael
Cheval	Coupal

Delorme (Saint-Hyacinthe)  
Fortier  
Godin  
Joly  
Mackenzie  
McConkey  
Mills  
Oliver  
Pelletier  
Rymal  
Snider  
Thompson (Haldimand)  
Whitehead  
Young—33

Dorion  
Fournier  
Holton  
Kempt  
Magill  
Metcalf  
Morrison (Victoria North)  
Paquet  
Ross (Wellington Centre)  
Scatcherd  
Stirton  
White (Halton)  
Wood

## NAYS

### Members

Abbott	Anglin
Archambault	Ault
Barthe	Beaty
Beaubien	Bellerose
Benoit	Bertrand
Blanchet	Bolton
Bowell	Burpee
Cameron (Inverness)	Campbell
Carling	Caron
Carter	Cartier (Sir George-É.)
Cartwright	Chauveau
Cimon	Colby
Costigan	Crawford (Brockville)
Crawford (Leeds South)	Cumberland
Currier	De Cosmos
Delorme (Provencher)	Dobbie
Drew	Dugas
Ferguson	Forbes
Fortin	Galt (Sir A.T.)
Gaucher	Gaudet
Gendron	Grant
Gray	Grover
Hagar	Hincks (Sir Francis)
Jackson	Keeler
Kirkpatrick	Lacerte
Langevin	Lapum
Lawson	Little
Macdonald (Sir John A.)	McDonald (Middlesex West)
Masson (Soulanges)	Masson (Terrebonne)
McCallum	McDougall (Lanark North)
McDougall (Trois-Rivières)	McGreevy
Merritt	Morris
Morrison (Niagara)	Munroe
Nathan	Nelson
O'Connor	Perry
Pinsonneault	Pope
Pouliot	Pozzer
Renaud	Robitaille
Ross (Champlain)	Ross (Dundas)
Ross (Prince Edward)	Ross (Victoria, N. S.)
Ryan (King's, N. B.)	Ryan (Montreal West)
Scriver	Shanly
Simard	Smith (Selkirk)
Sproat	Stephenson
Street	Thompson (Cariboo)
Tilley	Tourangeau
Tremblay	Tupper
Wallace (Albert)	Wallace (Vancouver Island)
Walsh	Webb
White (Hastings East)	Willison
Workman—101	

**Hon. Mr. WOOD** said one of the main functions of Parliament was to control the public expenditure and by an annual vote the power of Parliament in this respect was shown; therefore no scheme should be presented to the House requiring Parliament to divest itself of this power over expenditure, and no scheme that did so, however excellent in other respects, could be acceptable security because it was one of the most pointed and violent breaches that could be made of the constitution of the House. In the proposition before the House the enormous sum of thirty millions was proposed

May 31, 1872

to be expended in that way. The Government should come down every year with an estimate of the sum required for that year and get a vote of Parliament.

**Hon. Sir FRANCIS HINCKS:** That proposition is too absurd.

**Hon. Mr. WOOD:** Then why not at once pass an Act to provide that the Government of the day may, by Order-in-Council, expend the entire revenue of the country? If his proposition were absurd the whole system of parliamentary government was absurd. He would therefore move, seconded by **Mr. MILLS**, that the bill be recommitted in order to amend it so that so large a sum as thirty millions of money, and so large a quantity of land as fifty million acres, should not be disposed of by the Government of the day, but that the same should annually be disposed of by specific votes of

Parliament from time to time given, as should seem to Parliament proper and right, so that Parliament should not be divested of its most important constitutional function, namely, control over the public expenditure of the country.

**Hon. Mr. HOLTON** considered this amendment was the same in effect as that proposed by the hon. member for Lambton (**Hon. Mr. Mackenzie**).

The amendment was lost on a division. The report of the Committee of the Whole on the bill was received, and the third reading of the bill was fixed for tomorrow.

The House then adjourned at 12.20.





June 1st, 1872

## HOUSE OF COMMONS

Saturday, June 1st, 1872

The House opened at 1.40 having been sitting with closed doors.

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*Prayers*

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## MISTAKE IN VOTING

**Mr. GRANT** called attention to the vote given by him in error last night on Hon. Mr. Blake's amendment to the Pacific Railway Bill, and, with the permission of the House, desired to have that vote changed.

**Hon. Mr. BLAKE** thought the proper course was to have an entry made in the Journal that such an application had been made. That course had been adopted on a previous occasion.

**Hon. Sir JOHN A. MACDONALD** thought this was the proper course, in which **The SPEAKER** concurred.

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## THE REPRESENTATION BILL

**Hon. Sir JOHN A. MACDONALD** then introduced the bill to re-adjust the representation and said:—I rise to introduce the bill to re-adjust the representation at the House of Commons pursuant to the provisions of the British North America Act, and in consequence of the results of the census taken in 1871.

As it is known, the Union Act provides that there shall be a re-adjustment of the representation in this House on the completion of every decennial census, according to a scale therein fixed. Thus, supposing Lower Canada should, with its population, have sixty-five members; then a proportionate increase or decrease is to be meted out to the other Provinces according to the plan and scale laid down in that Act.

Under the census as taken it appears that Ontario, if Quebec keeps, as is contemplated, its original number of sixty-five members, will have a right to an addition of six members; Nova Scotia of two, and New Brunswick of one; the Provinces of Manitoba and British Columbia remaining as fixed by the arrangements made at the time of their coming into the Union until the next decennial census of 1881. The Union Act provides that there is to be a re-adjustment of the representation of the completion of each decennial census. The House will therefore for the next ten years be composed of two hundred members—eighty-eight from Ontario, sixty-five from Quebec, twenty-one from Nova

Scotia, sixteen from New Brunswick, four from Manitoba, and six from British Columbia.

In determining the mode of distributing the new seats, the Government took into consideration the principles which have guided the establishment of the elective system in the Provinces ever since they have been Provinces; and it will be found that, in them all, while the principle of population was considered to a very great extent, other considerations were also held to have weight; so that different interests, classes and localities should be fairly represented, that the principle of numbers should not be the only one. This was established in 1791 with respect to the Provinces of Upper and Lower Canada, where there were certain proportions of rural constituencies established, and a certain number of counties, so that the agricultural population might be represented and also the manufacturing and commercial and town populations. In 1841 when the Provinces of Upper and Lower Canada were re-united, the same principle was carried out, and on the increase of members to 130 which took place during the time that the Provinces were united, each Province having sixty-five members, Ontario was provided with fifty-six representatives of Counties and Ridings, and nine representatives of Cities and Boroughs. In 1867, when the number of representatives in the House of Commons was increased from sixty-five to eighty-two, the increase was given altogether to the rural constituencies.

It is proposed in the present readjustment to pay regard in the distribution to manufacturing as well as agricultural interests, and therefore of those which will be added to Ontario it is proposed to divide them equally, three to agricultural constituencies and three to city constituencies. It is proposed to give Toronto three members instead of two, and Hamilton and Ottawa each one additional. Toronto has a population of 56,092, so that, on every principle of population, considering as well its great increase in manufacturing and commercial interests, Toronto has in every way a claim to increased representation. Hamilton also is a large and rising city, and is more peculiarly, perhaps, even than Toronto, the seat of the manufacturing interests in the west. The population of Hamilton is 26,716, which would give 13,358 for each member being more than the average of counties in Eastern Canada.

Ottawa is not quite so large, the population being 21,545, and it might well have been postponed if it were not for two considerations: first, the manufacturing interest and the increasing size of the town; and in the second place a consideration of locality. The Ottawa section of country, with the single exception of this one addition to its representation, remains as it was; all the other members are given to Toronto and places north and west of Toronto, so



that it is considered but right that of the six new members one should be given to the Eastern portion of Ontario. All those counties in the east, with a single exception, are small, and cannot be subdivided, and therefore it was thought well that Ottawa should have this additional member, especially as it would be carrying out the principle of giving some addition to the manufacturing and commercial interests of Ontario.

With respect to the rural constituencies, the desire of the Government has been to preserve the representation for counties and subdivisions of counties as much as possible. It is considered objectionable to make representation a mere geographical term. (*Hear, hear.*) It is desired, as much as possible, to keep the representation within the county, so that each county that is a municipality of Ontario should be represented, and if it becomes large enough, that it should be divided into Ridings—that principle is carried out in the suggestions I am about to make. That rule was broken in 1867 in three constituencies, viz., Bothwell, Cardwell, and Monck; and I do not think, on the whole, that the experiment has proved a successful one. I do not think it was unsuccessful as far as the representatives of those new constituencies themselves were concerned, as they are well ably represented by the gentlemen who now hold seats for the constituencies; and I hope that if I am returned again to the next Parliament I shall meet those hon. members.

But it is obvious that there is a great advantage in having counties elect men whom they know. Our municipal system gives an admirable opportunity to constituencies to select men for their deserts. We all know the process which happily goes on in Western Canada. A young man in a county commences his public life by being elected by the neighbours who know him to the Township Council. If he shows himself possessed of administrative ability he is made Reeve or Deputy-Reeve of his county. He becomes a member of the County Council, and as his experience increases and his character and abilities become known, he is selected by his people as their representative in Parliament. It is, I think, a grand system that the people of Canada should have the opportunity of choosing for political promotion the men in whom they have most confidence and of whose abilities they are fully assured.

All that great advantage is lost by cutting off a portion or two of several counties and adding them together for electoral purposes only. Those portions so cut off have no common interest: they do not meet together and they have no common feeling except that once in five years they go to the polls in their own township to vote for a man who may be known in one section and not in another. This tends towards the introduction and development of the American system of caucuses, by which wire-pullers take adventurers for their political ability only, and not from any personal respect for

them. So that, as much as possible, from any point of view, it is advisable that counties should refuse men whom they do not know; and when the representation is increased it should be by sub-dividing the counties into Ridings.

Acting upon this principle, it has been thought well to ask the House to give Huron, which has now two representatives in this House, an additional one. It has a population of 66,165, and it is proposed to sub-divide it into three Ridings, giving a population to each as follows:—North Riding, 12,862; Centre Riding, 22,791; South Riding, 21,512. It is proposed also to divide Grey, which has a population of 59,395, into three constituencies, North, East and South Ridings, containing severally, 18,580, 22,193, and 18,622 inhabitants.

There is only one constituency more to be given to Ontario, and, after full consideration, it has been thought well to carry out the principle that was initiated by giving representation to Algoma—a new country just opened for settlement and almost beyond the ken or protection of the law—in order to give confidence to settlers going there. The proposition was sanctioned by Parliament, and it has proved successful. It is proposed, therefore, to give Muskoka District, Parry Sound, and the District of Nipissing and part of Simcoe a member; and it will involve the necessity of giving those portions of Muskoka special practice in the same way as Algoma.

**Hon. Mr. BLAKE:** The hon. gentleman does not state the number of the population of Muskoka.

**Hon. Sir JOHN A. MACDONALD:** The population of Muskoka proper and Nipissing and Parry Sound is upwards of 8,000.

**Hon. Mr. BLAKE:** Does that include the rear at Simcoe?

**Hon. Sir JOHN A. MACDONALD:** No; as regards the part of Simcoe to be included, the government is not yet in a position to state their views, that is, as to the precise portion of North Simcoe which shall be added to make the constituency.

It is proposed then that the six members shall be as follows:—an additional member for Hamilton, Grey, Toronto, Huron and Ottawa, and a member for Muskoka. It is proposed to take the opportunity, in bringing down this bill, of re-adjusting the representation in the counties of Haldimand and Monck (*Hear, hear from Mr. Blake*) by taking the township of Dunn from Haldimand and adding it to Monck. The population of Haldimand at present is 20,091, that of Monck is 15,130. By adding the township of Dunn it diminishes Haldimand to 19,042, and increases Monck to 16,179, being an approximation towards equalization.

June 1st, 1872

It is also proposed to re-adjust the Ridings of Wellington. As they now stand they are very unequally divided—South Wellington contains a population of 14,347; Centre Wellington, 24,459; and North Wellington, 24,484. It is proposed to re-adjust that representation by making South Wellington, 23,432; Centre, 21,118; and North, 18,740, being a close approximation to an equalization of the Ridings. This is all the readjustment that we propose for Ontario.

In Nova Scotia it is proposed to give the counties of Cape Breton and Pictou each two members. In New Brunswick the city and county of St. John, as now existing is also to have two members.

I omitted to state that it is not intended to divide either Ottawa or Hamilton. Although we have adopted in old Canada the principle of electoral divisions, it has not been considered in England a proper mode of representation, inasmuch as it so completely excludes minorities, and in some constituencies in England they have introduced the system which we now propose, for the purpose of protecting minorities. It is therefore proposed that Hamilton shall return two members and that the city shall not be divided.

**Hon. Mr. HOLTON:** How about Toronto?

**Hon. Sir JOHN A. MACDONALD:** Toronto, having been divided into sections, the sectional principle has been continued there. The division of Toronto is this: St. David and St. Lawrence wards will form the Eastern division; St. John and St. James the Centre; and St. Andrew, St. George and St. Patrick the Western divisions.

In the Province of Quebec there is to be, of course, no increase in the number of representatives, but it is proposed to readjust the representation of Montreal. Anyone on looking at the census will see that, while East and West Montreal embrace large populations, Centre Montreal is exceedingly small, and out of all proportion to the others. It is proposed therefore to re-divide the city as follows: Montreal West to consist of the wards, as at present constituted, of St. Antoine and St. Lawrence; Montreal Centre, of St. Anne, west centre and east wards, as at present constituted; and Montreal East of St. Louis, St. James and St. Mary's wards. It is also proposed to add the Parish of St. Felix of Cap Rouge to the County of Quebec for electoral purposes. With those remarks, Mr. Speaker, I beg to move the first reading of the Bill.

**Mr. ROSS (Wellington Centre)** asked what was the proposed division of Wellington.

**Hon. Sir JOHN A. MACDONALD:** It is proposed that the North Riding shall consist of Maryborough, Minto, Arthur, Mount Forest, Luther and Amaranth, having a total population of 18,740. The Centre Riding to consist of Pilkington, Elora, Nichol, Fergus, Garrafraxa West and East, Orangeville and Peel, with a population of 21,118. South Wellington to consist of

Puslinch, Guelph Township, Guelph, Eramosa, and Erin, with a population of 23,432.

**Mr. CAMERON (Huron South)** wished to know the proposed division of Huron.

**Hon. Sir JOHN A. MACDONALD:** The North Riding of Huron is to consist of Howick, Ashfield, West Wawanosh, East Wawanosh, Morris, and Turnberry, with a population of 21,862; Centre Riding—Colborne, Hullett, McKillop, Tuckersmith, Grey, Town of Goderich, and village of Seaforth—population 22,791; South Riding—Goderich Township, Stanley, Hay, Stephen, Osborne, and Clinton Village—21,512.

In reply to Mr. Stirton, **Hon. Sir JOHN A. MACDONALD** stated that Grey would be divided as follows: North Holland, Sullivan, Sydenham, Owen Sound, Derby, Sarawak, Keppel, with a population of 18,380; East Riding—Proton, Melancthon, Osprey, Artemesia, Collingwood, Euphrasia, and St. Vincent—population 22,193; South Riding—Normanby, Egremont, Bentinck, and Glenelg—18,622.

**Hon. Mr. BLAKE** did not intend to discuss the details, but agreed that the principle of the division of the counties adopted was judicious, making the electoral divisions conterminous with the counties. He agreed that it was not well to urge the doctrine of representation by population too far, although it should be regarded as far as possible. He objected to the position laid down as to manufacturing interests being specially provided for. The counties in Ontario had large manufacturing interests among them, many of which he enumerated, and he denied that cities should be specially regarded as representing manufacturing interests.

From that point of view he confessed that the principle on which the constitution was framed was overlooked in the distribution of the seats as proposed by the Bill before the House. It was the increased population which should have the increased representation. It was by that increase the six members were given to Ontario, and he could not help feeling that the Government must go further than they had gone to satisfy the country. He believed there were some constituencies as small as any in British Columbia—Niagara and Cornwall being instances. The latter was in the county of Stormont, which had 18,000 people altogether, which was divided into the town of Cornwall, 7,000, and Stormont, 11,000. These anomalies ought to be got rid of.

As to the provisions for representing manufacturing interests, Halifax, in Nova Scotia, was entitled to another member, but in Nova Scotia the rural constituencies had alone been regarded. He denied that manufactures were represented only by members representing cities.

Montreal was represented not merely by hon. members, but



by those who hailed from that city and represented other constituencies. So was Toronto; and instead of having too little weight, these cities were charged with having too great influence in the Legislature. The principle of representation by population had been practically disregarded, the changes having been made evidently chiefly for political reasons, and he was not surprised that the Bill had been brought down at this late stage of the session when there was scarcely time to discuss it. In these few remarks he had merely spoken for himself and would reserve further observations for another stage of the discussion.

**Mr. WORKMAN** was surprised at the changes made in Montreal. He had heard that changes were proposed in the division he represented, which division, by the census, did not show the actual number of voters. He had heard that St. Lawrence ward was to be added to the Centre Division, but the addition of St. Anne's ward formed a most unnatural arrangement. That ward contained more than the whole population of Ottawa, and he was at a loss to imagine why he was to be honoured by so large an addition to his constituency.

**Hon. Sir GEORGE-É. CARTIER** said at no very distant day they would have to take into consideration a change in the constituencies, perhaps before the next census. What they were now taking into consideration was a more equitable representation of the Protestant population of Montreal. Montreal Centre contained a majority of Protestants. The Protestant vote was increasing in the St. Antoine and St. Lawrence Wards. With regard to the latter ward, it was now almost entirely settled, but there was a great deal to be settled in St. Antoine Ward. By the last census it was shown that the inhabitants of St. Antoine had increased since the census of 1861, when it was 17,000, to 24,000.

In the last few years, too, nearly all the Protestant churches had been removed to these wards; indeed, the only Protestant church which remained in the city proper was the St. James Street Wesleyan Methodist Church. In considering the re-adjustment of the representation of Montreal, it became necessary to take into account what was called the "English-speaking" population, composed of Irish Catholics and Protestants; and the Protestant population, by the division now submitted, would be the stronger and more influential in Montreal, as composed of the St. Lawrence and St. Antoine Wards. In these wards too, he might mention, the Protestant influence was growing greater. With regard to the Irish vote, it remained strongest in the St. Anne's Ward. The number of votes, as it was proposed to arrange it in the West Ward, would be about 9,000.

With respect to Montreal Centre, he admitted that it was not fairly represented as it now stood. The bankers and people of wealth who had formerly inhabited Montreal Centre had gone, for the most part, into the suburban wards to live; and its inhabitants were now, for the most part, composed of care-

takers and watchmen in warehouses, and the tavern keepers who lived near the large markets. A large portion of the merchants had their offices there, as had also the brokers, lawyers, et cetera, but all together the number of votes amounted to but 2,100. This information he had obtained from the voters' lists prepared by the officials of the city, on which the voting would take place at the next general elections. Since the representation had last been adjusted, the commercial men of influence had removed from the Centre Ward to St. Lawrence and St. Antoine Wards; but by the proposition now made its Centre Ward would have about 25,000 inhabitants.

Montreal East would remain as it is for the present. It had a population of 45,000 to 46,000, of which not less than 35,000 were French Canadians. As to the vote, in adding the present Montreal Centre to St. Anne's Ward, it would give about 6,000 votes. In putting St. Lawrence and St. Antoine together it would give 6,014 votes, and Montreal East would have 7,500 votes. But, as he had stated, it might perhaps be necessary ere long to re-adjust the divisions in Montreal, as every one knew that the proposition to enlarge the city limits was now being discussed in the City Council.

He then referred to the population of Hochelaga, and said at some future time it might be proper to add Côte St. Paul to Montreal Centre, and the Tanneries to Montreal West, and then a part of Montreal East might be added to Hochelaga. The present arrangement would, however, operate as follows with regard to votes:

Montreal Centre	5,986 votes
Montreal West	6,014 votes
Montreal East	7,500 votes

The member for Montreal Centre suggested that St. Lawrence Ward should have been added to Montreal Centre, but that would not have been a fair division, as the votes for that division would then only have been 4,500. Then if a part of the French Canadians had been added to that division, the English-speaking voters would have complained that it was intended to swamp them, and in addition, he (Hon. Sir George-É. Cartier) liked to keep his own children.

**Mr. CAMERON (Huron South)** desired to take the first opportunity to protest against the outrageous propositions of the Bill. If other subdivisions were anything like that proposed in the County of Huron, they were most outrageous. The Ridings ought to have been made as compact as possible, instead of which the very reverse was the case. Another object should be that the Townships forming a Riding should be contiguous. This again was not the case, for Townships were taken out of the middle of Ridings and put in others. This he believed to have been done in order to operate against him (Mr. Cameron), and it seemed that the Minister of Justice refused to make a fair and just division of the County. He could come to no other conclusion than that the friends of the

June 1st, 1872

Government had brought pressure to induce them to commit a gross outrage.

**Mr. STIRTON** complained of the division of the County of Wellington, and believed it had been brought about by pressure at the hands of the friends of the Government. Two rural Townships were attached to a manufacturing community in a most unfair way.

**Hon. Sir JOHN A. MACDONALD** said he believed the House generally agreed with him that the county organization should be preserved as much as possible. He had observed this principle, and no county in Ontario had been split up.

It was intended that the Bill should not destroy any constituency now existing. If the matter were done *de novo*, he could not say that Niagara or Cornwall would have a member, but they were established in 1791, and on a subsequent occasion, so averse was the Government of the day (the Baldwin-Lafontaine) to extinguish them, that they attached to them the townships immediately adjoining, so as to justify their continuing to have a representative. This principle was one that obtained in England, and a constituency was seldom destroyed that had not by bribery or corruption or some other means forfeited all claim to consideration. If this principle of not sweeping away existing constituencies were acknowledged, the measure would be found a good one.

Huron and Grey were among the largest counties in Ontario, and were entitled to the members assigned them, as also were the cities of Toronto and Hamilton from the number of voters they comprised.

In England every Reform bill, from that of 1830 to that of 1865, had tended to increase the representation to the manufacturing portions of the county; so that at the present moment, of the 658 members composing the House of Commons of England, 402 represented cities and Boroughs, and only 256 represented rural constituencies; and yet the member for Durham West (Hon. Mr. Blake) objected to the number of manufacturing constituencies in Ontario being increased from nine to twelve.

The member for Huron North (Mr. Whitehead) objected to the division made of his county. That division might not be convenient to him, but it met the principle which he and the member for Durham West had both advocated; it very nearly adjusted the representation to numerical equality. The number of voters in North Huron would be 21,862, in South Huron 21,512, and in Centre Huron 22,792. The House would therefore see how nearly numerical equality was attained, and the member for Huron would find on examination that the townships in the different divisions lay side by side.

**Mr. CAMERON (Huron South)** asked whether Tuckersmith and Goderich were side by side.

**Hon. Sir JOHN A. MACDONALD** maintained that the lay of the Townships in the different divisions was continuous, and if

there was an equality of population the hon. gentleman could not charge the Government with acting against him. As to the complaints of the member for Wellington (Mr. Stirton), that member had a little pocket borough of his own of 14,000 while the other two divisions contained 24,000 each.

**Mr. STIRTON** said in 1865 the hon. gentleman proposed to make the borough still smaller.

**Hon. Sir JOHN A. MACDONALD** said the hon. gentleman knew well that his borough was formed by the Reform party, Mr. Ferguson Blair wishing to retain it in his favour for all time to come. Under the present arrangement the division of population was nearly equalized. The numbers in the three divisions would be 18,741, 21,818 and 23,432 respectively. The hon. gentlemen admitted that he was safe under the new arrangement, and also that the Liberal Party was safe throughout the country, and therefore he did not think he need complain. If the hon. gentleman admitted that he was safe and that his party was safe, it was clear out of his own mouth, that the division had not been actuated by political feeling.

**Mr. CARTWRIGHT** asked in what particular way the minorities of Ottawa and Hamilton were to have a chance. He believed a well-considered system of minority representation deserved all consideration. He regretted that some such system was not to be introduced.

**Hon. Mr. DORION** referred to the division of the city of Montreal. He did not wish to complain, as he should leave that to the members for that city; but previously the object was to give the mercantile community a vote, now nothing was to be considered but population. Under the present division there was no Montreal Centre, it would be West, and the present Montreal Centre would be a misnomer; it would be Montreal North. The present division was a mere burlesque on the speeches of the leaders of the Government on the former division. He suggested that Point St. Charles should be added to Montreal Centre, and said he was sure that neither he nor any future member for Hochelaga would be sorry to lose the Grand Trunk votes, which were always given in the way directed by their superiors, while the member for Montreal Centre might be glad to obtain those votes. He suggested a new naming of the divisions, and said the present plan was an entire contradiction to the principle previously advocated.

**Mr. BOLTON** regretted that the Government had not attempted to remove some anomalies in New Brunswick. In the House there was one member representing five thousand, and others thirty thousand. If the matter was not dealt with now it would stand for five years.

**Mr. MAGILL** did not think it possible that any such scheme could give universal satisfaction, but he maintained the present scheme could not fail to be considered fair and just in every way. He was pleased to find that it gave proper consideration to the manufacturing interests, which had not hitherto been the case. One member for Hamilton was entirely inadequate; for the population of that city was larger than almost any constituency in Ontario. He was



satisfied the measure would meet the approbation of the country.

**Hon. Mr. TILLEY** said, in the case of New Brunswick, though the population of the different counties was very irregular, it was found that no change could be made without a complete readjustment throughout the province. It was considered desirable to retain the present county boundaries.

**Mr. BOLTON** asked whether a change would ever be made.

**Hon. Mr. TILLEY** did not say that; but mentioning certain counties, said it was very difficult to equalize the population at present with an entire change of boundaries. In the course of time a change might be found practicable.

**Mr. SNIDER** referred to the division of the county of Grey, which he did not consider fair or equal. He suggested changes in the arrangement of the townships which ought to be made to make the division equal. He would state his views more fully on a future occasion.

**Mr. CAMERON (Huron South)** suggested that a sketch should be appended to the bill showing the proposed division.

**Hon. Sir JOHN A. MACDONALD** said any one could have reference to the railway maps.

The Bill was read a first time, and the second fixed for Monday.

\* \* \*

### THE PACIFIC RAILWAY BILL

**Hon. Sir GEORGE-É. CARTIER** moved the third reading of the Pacific Railway Bill.

**Hon. Mr. WOOD** desired to have an expression of opinion recorded on the constitutional question he had brought forward on a previous occasion. In England, in cases of public works, estimates were brought down and votes asked each year, and so the House retained full control of the public expenditure. He thought the same principles should be adhered to in the present case, and moved, "that the said Bill be not now read a third time, but that it be forthwith referred back to a committee of the whole in order to amend the same so that so large a sum as \$30,000,000, and so large a quantity of land as 50,000 acres, shall not be at the disposition of the will of the Government of the day, and so that the said money and lands shall only be disposed of by specific annual votes of Parliament from time to time, given as shall seem to Parliament right and proper, and so that Parliament shall not be divested of its most important constitutional function, namely, control over the public expenditure of the country." He desired that the members should be placed in a proper light

before their constituents and should therefore press a division.

**Hon. Mr. HOLTON** said the amendment was an affirmation of the principle previously set forth by the member for Lambton (Hon. Mr. Mackenzie) but with it was blended crudities and crotchets of the member for Brant South (Hon. Mr. Wood), which rendered it impossible for him to vote for it, and it ought not to be so presented to the House.

The members were called in and the amendment declared lost on the following division: —Yeas, 33; Nays, 100.

#### (Division No. 27)

#### YEAS

##### Members

Blake	Bourassa
Bowman	Cameron (Huron South)
Carmichael	Cheval
Coupal	Delorme (Saint-Hyacinthe)
Fortier	Fournier
Geoffrion	Godin
Joly	Jones (Leeds North and Grenville North)
Kempt	Magill
McConkey	Metcalfe
Mills	Oliver
Pelletier	Power
Pozer	Redford
Ross (Prince Edward)	Ross (Wellington Centre)
Scatcherd	Snider
Stirton	Thompson (Ontario North)
Wells	Wood
Young—33	

#### NAYS

##### Members

Abbott	Anglin
Ault	Barthe
Beaty	Beaubien
Béchar	Bellerose
Benoit	Bertrand
Blanchet	Bolton
Bowell	Bown
Brown	Cameron (Inverness)
Carling	Caron
Carter	Cartier (Sir George-É.)
Cartwright	Cayley
Chauveau	Cimon
Coffin	Connell
Costigan	Crawford (Brockville)
Crawford (Leeds South)	Daoust
De Cosmos	Delorme (Provencher)
Dobbie	Dorion
Drew	Dugas
Ferguson	Ferris
Forbes	Fortin
Gaucher	Gaudet
Gendron	Grant
Gray	Grover
Heath	Hincks (Sir Francis)

June 1st, 1872

Holton	Hurdon
Irvine	Jackson
Keeler	Killam
Kirkpatrick	Lacerte
Langevin	Lapum
Lawson	Little
Macdonald (Sir John A.)	McDonald (Middlesex West)
Masson (Soulanges)	Masson (Terrebonne)
McCallum	McKeagney
Merritt	Morris
Morrison (Niagara)	Munroe
Nathan	Nelson
O'Connor	Pâquet
Perry	Pickard
Pinsonneault	Pope
Pouliot	Ray
Renaud	Robitaille
Ross (Victoria, N. S.)	Ryan (King's, N. B.)
Ryan (Montreal West)	Shanly
Simard	Smith (Selkirk)
Smith (Westmorland)	Sproat
Street	Tilley
Tourangeau	Tupper
Wallace (Albert)	Wallace (Vancouver Island)
Walsh	Webb
Willson	Workman—100

**Mr. MILLS** moved “that the bill be not now read a third time, but referred back to a committee of the whole House in order to make provisions that the Government should not have power to grant to any company which has amongst the shareholders a member or members of Parliament, the public monies or the public lands not apart by the bill for the construction of the Pacific Railway.” He said the principle of the amendment was fully recognized and he need say nothing in its support.

(Division No. 28)

## YEAS

### Members

Anglin	Béchar
Blake	Bodwell
Bolton	Bourassa
Bowman	Burpee
Carmichael	Cheval
Connell	Delorme (Saint-Hyacinthe)
Dorion	Forbes
Fortier	Fournier
Geoffrion	Godin
Holton	Jones (Leeds North and Grenville North)
Kempt	Magill
Metcalfe	Mills
Munroe	Oliver
Pelletier	Power
Pozer	Refford
Ross (Dundas)	Ross (Prince Edward)
Ross (Wellington Centre)	Scatcherd
Smith (Westmorland)	Snider
Stirton	Thompson (Ontario North)
Wells	Willson
Wood	Young—42

## NAYS

### Members

Abbott	Ault
Barthe	Beaty
Beaubien	Bellerose
Benoit	Bertrand
Blanchet	Bowell
Brousseau	Brown
Cameron (Inverness)	Carling
Caron	Carter
Cartier (Sir George-É.)	Cartwright
Chauveau	Cimon
Coffin	Crawford (Brockville)
Crawford (Leeds South)	Daoust
De Cosmos	Delorme (Provencher)
Drew	Ferguson
Fortin	Galt (Sir A.T.)
Gaucher	Gaudet
Gendron	Grant
Gray	Grover
Heath	Hincks (Sir Francis)
Hurdon	Irvine
Jackson	Keeler
Killam	Kirkpatrick
Lacerte	Langevin
Lapum	Lawson
Little	Macdonald (Sir John A.)
McDonald (Middlesex West)	Masson (Soulanges)
Masson (Terrebonne)	McCallum
McKeagney	Merritt
Morris	Morrison (Niagara)
Nelson	O'Connor
Perry	Pickard
Pinsonneault	Pope
Pouliot	Ray
Renaud	Robitaille
Ross (Victoria, N. S.)	Ryan (King's, N. B.)
Ryan (Montreal West)	Shanly
Simard	Smith (Selkirk)
Sproat	Street
Tilley	Tourangeau
Tupper	Wallace (Vancouver Island)
Walsh	Webb
Workman—83	

The bill was then read a third time and passed amid loud cheers, **Hon. Sir GEORGE-É. CARTIER** calling out, “All aboard for the West.”

\* \* \*

## FINANCIAL

On motion of **Hon. Sir FRANCIS HINCKS** the House went into committee to consider a resolution to amend the Act respecting the loan for paying a certain sum to the Hudson's Bay Company. The committee rose and reported, and the resolution was read a second time.

The Bill based on this resolution was then read a first time.



### QUARANTINE

On motion of **Hon. Mr. POPE** the House went into Committee on the Bill relating to Quarantine. The Committee rose, reported, and the Bill was read a third time and passed.

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### EMIGRATION AID SOCIETIES

On motion of **Hon. Mr. POPE**, the House went into Committee on the Bill to provide for the incorporation of the Emigration Aid Societies, but, upon objection from **Hon. Mr. BLAKE**, the Bill was allowed to stand over.

\* \* \*

### SALARIES OF JUDGES

**Hon. Sir JOHN A. MACDONALD** moved the House into committee, to consider a resolution to amend and extend the schedule of the Act, 31 Vic., Cap. 33, and to make provision for the salaries of judges and stipendiary magistrates, in the provinces of Quebec, Nova Scotia, Manitoba and British Columbia, et cetera.

**Hon. Mr. BLAKE** said he would like some explanation as to a portion of the resolution. They should be told upon what principle the salaries were being given in British Columbia. He observed that provision was made for an additional Puisne Judge, without stating what the salaries should be in case of vacancies. It was proposed to have six Stipendiary Judges. The Act of Union vested the appointment and payment of Stipendiary Magistrates in the Local Governments, and he would like to know why it was necessary for ten thousand people to have six Stipendiary Magistrates, and why they should be paid by the Dominion.

**Hon. Sir JOHN A. MACDONALD** replied that he mentioned yesterday such portions of the resolution as it then occurred to him required explanation. In Quebec an additional Puisne Judge was allowed for Montreal. In Nova Scotia salaries for two additional Judges were voted last year; but, owing to his illness, legislative authority had not been obtained. In Manitoba it was provided that the Judge might be made available for judicial purposes beyond the bounds of the Province; that is to say, they were permitted to perform judicial duties in the North-west territory until that country was absorbed into a province or provinces. The salary was \$4,000, the smallest salary given to any Superior Court Judge.

In the Province of British Columbia there was a chief Justice and a Puisne Judge, whose salaries were fixed by the Imperial Government, and could not be reduced during the life time of the present incumbents. He had inserted one Puisne from the fact that he had had communication with the Lieutenant-Governor of British Columbia on the importance of having a

third Judge there. He thought it was in the highest degree desirable that there should be a Court of three—in consequence of having only two Judges, there might be frequent failures of justice, by difference of opinion. He was under the impression that the Local Legislature had passed an Act with that provision, but the certified copies of the Act had not yet been received, and he had therefore provided for the additional judge.

The reason he had only asked the House to vote the salaries of the present judges was that he fancied it would be the early duty of the new Parliament to consider the salaries of the judges of the Superior Court, which were not in a satisfactory state at the present time, therefore he had not put in any salaries for vacancies by death. If it should be thought well to provide for such a contingency, he would recommend \$4,000 per annum for the Chief Justice, and \$3,200 for the Puisne Judges.

With respect to the Stipendiary Magistrates, they were Imperial appointments, and the gentlemen holding those offices performed the duties of County Judges; and, according to arrangement those salaries must be paid during their incumbency. They were Stipendiary Magistrates, Indian Agents, Gold Commissioners, et cetera, and were especially required on account of the influx of miners during the gold fever. As to the two pensioners, those were only put in the schedule in order that they might be included in the civil list. Although he had not been officially notified, he was aware that since the schedule had been drawn up, one of those pensioners had died, and therefore the pension would not be required. The other was the Colonial Secretary, whose salary must be paid him under the terms of union with British Columbia.

**Mr. De COSMOS** asked if it was the intention of the Government that the Stipendiary Magistrates should be allowed to continue to hold courts.

**Hon. Sir JOHN A. MACDONALD** said, as he understood the matter, they performed duties analogous to those of County Court Judges.

**Mr. De COSMOS** replied that their duties were to act as Gold Commissioners, as ordinary Magistrates, and as Justices of the Peace, and there was a very general feeling throughout the country against non-professional men acting as County Court Judges. He understood that a Bill had been passed by the Local Legislature on the subject, and had hoped the Government would have received it in time to remove a long-standing grievance in the country.

**Hon. Mr. BLAKE:** We pay the Gold Commissioners then.

**Hon. Sir JOHN A. MACDONALD:** Yes, so long as they act as County Court judges. The difficulty is that there is an objection in the province to non-professional men being placed at the head of the County Courts. Under the arrangement with

June 1st, 1872

British Columbia all those gentlemen must be employed or be pensioned with two-thirds salary. He understood that they were men in the prime of life, and had no doubt they would be only too glad to get the pension and employ their energies wherever they pleased.

**Mr. MILLS:** Six stipendiary magistrates and three Superior Court judges for a population of 10,000!

**Hon. Sir JOHN A. MACDONALD** said the great rush of foreigners and miners to the gold fields had rendered the appointments necessary. The provision had been approved by the House and would have to be carried out. The salaries were the same as before the Union, and were fixed by the Imperial Government. The population was nearer 60,000 than 10,000.

**Hon. Mr. WOOD:** Had made inquiries and ascertained that in Nova Scotia they had no County Courts, and he thought they were extending them to British Columbia too soon.

**Mr. De COSMOS** replied that for a very long time past British Columbia had had County Courts, and the large space of territory and scattered population necessitated the appointment of the six stipendiary magistrates.

**Hon. Sir FRANCIS HINCKS** said the proposition of the hon. gentleman opposite was simply to pension off the stipendiary magistrates and appoint County Court Judges in lieu of them.

**Hon. Mr. ANGLIN** did not think that the Dominion should be called on to pay the Stipendiary Magistrates. He referred to the system in force in New Brunswick. He thought the present judicial staff in British Columbia was adequate to meet the requirements of the Province. The expenditure connected with British Columbia was already enormous and should not be increased unnecessarily. He thought the proposition to appoint three Judges for Manitoba preposterous, and he should favour any amendment tending to the exercise of reasonable economy.

The House then went into committee on the resolution—**Mr. STREET** in the chair.

**Hon. Mr. BLAKE** thought the appointments proposed entirely too large for the requirements of the Provinces. The Legislature of Manitoba first considered one Judge sufficient, and had only changed their views on learning this opinion of the Minister of Justice, and so a larger expenditure was now asked so that there might be three Judges. As to British Columbia, he believed two or four were quite enough for an Appellant Court, and he thought it unfortunate that the Premier himself should have suggested a burden greater than the Province itself asked for. If the Stipendiary Magistrates were County Court Judges, they should be so termed in

the resolution. British Columbia in future years might require County Court Judges, and it must be done if necessary; but they were bound to see that it was necessary before doing so.

In the unorganized portions of Ontario which the Government claimed were not within the province, Stipendiary Magistrates were appointed, and they were not termed County Court Judges, so as to throw the burden on the Dominion. If only the county court work was to be performed, so many appointments were not necessary, and the work of magistrates and commissioners should be borne by the Province and not by the Dominion.

The amount was unimportant, but the question involved the whole matter of the administration of justice—and the consequence would be that the Minister of Justice (**Hon. Sir John A. Macdonald**) would suggest the necessity of other judges, and then fill the offices and pay the salaries, and so more appointments would be made than necessary. If British Columbia created County Courts they were entitled to have the judgeships filled by professional gentlemen.

**Mr. SMITH (Selkirk)** said that since Manitoba considered one Judge sufficient, the population had spread over the country very considerably instead of being as then confined within a short range from Fort Garry, and what was then sufficient would be very inadequate now—and the amount asked was in no way too large, considering the increased expense of living in that country. Three judges would not be too many.

**Mr. MILLS** maintained that the duties devolving on the judicial officers in British Columbia were very small, as far as the Dominion was concerned, and their principal duties were connected with the Province. He thought one-third of the amount quite sufficient.

**Hon. Sir JOHN A. MACDONALD** said the Judges had their salaries secured to them, and if others were appointed, they would have to be pensioned. He understood that there were County Courts in British Columbia and the Dominion must pay the salaries.

**Hon. Mr. BLAKE** repeated that two-thirds of the duties were of a local character

**Hon. Sir JOHN A. MACDONALD** said on the day of the union the gentlemen were all entitled to pensions and could have retired.

**Mr. De COSMOS** objected that the salary proposed for the Judge in British Columbia was inadequate.

The resolutions were passed by the Committee, and the Bill founded thereon was introduced and read a first time.

The House adjourned at six o'clock.





June 3, 1872

## HOUSE OF COMMONS

Monday, June 3, 1872

The **SPEAKER** took the chair at 3.15 p.m.

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*Prayers*


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## PETITION

A petition from the inhabitants of St. Columban, against the annexation of that parish to the County of Quebec for electoral purposes, was presented by **Mr. FOURNIER**, who moved that it be printed and distributed.—Carried.

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## DIVORCE BILL

**Hon. Mr. GRAY** moved the first reading of the Divorce Bill from the Senate, for the relief of John Robert Martin.—Carried.

**Hon. Mr. GRAY** then moved that the Bill be referred to a Select Committee.

**Hon. Mr. LANGEVIN** said that he had always voted against bills of this kind, on the ground that he did not agree with those who believed that Parliament should deal with matters of divorce, and therefore, without going into the strong arguments in favour of that view from a Roman Catholic point of view, he would ask that the sense of the House be taken on the motion.

**Hon. Mr. GRAY** hoped that those who entertained conscientious scruples on this subject would consider those holding different views, and allow the matter to be proceeded with, as there were no tribunals in the country before which such subjects could be brought.

The vote was then taken on **Hon. Mr. GRAY'S** motion with the following result: —Yeas, 75; Nays, 64.

(Division No. 29)

## YEAS

## Members

Abbott	Beaty
Blake	Bodwell
Bolton	Bowell
Bowman	Brown
Burpee	Cameron (Peel)
Campbell	Carmichael

Carter  
Chipman  
Connell  
Currier  
Dobbie  
Ferguson  
Forbes  
Gray  
Hincks (Sir Francis)  
Howe  
Kirkpatrick  
Lawson  
Macdonald (Sir John A.)  
Mackenzie  
McCallum  
McDougall (Lanark North)  
Merritt  
Mills  
Morison (Victoria North)  
Nathan  
Ross (Dundas)  
Ross (Victoria, N. S.)  
Scatcherd  
Sproat  
Thompson (Cariboo)  
Tilley  
Wallace (Albert)  
Walsh  
White (Halton)  
Willson  
Workman  
Young—75

Cartwright  
Coffin  
Crawford (Leeds South)  
De Cosmos  
Drew  
Ferris  
Grant  
Grover  
Houghton  
Jackson  
Lapum  
Little  
McDonald (Lunenburg)  
Magill  
McConkey  
McMonies  
Metcalf  
Morris  
Morrison (Niagara)  
Nelson  
Ross (Prince Edward)  
Rymal  
Snider  
Street  
Thompson (Ontario North)  
Tupper  
Wallace (Vancouver Island)  
Wells  
White (Hastings East)  
Wood  
Wright (York West)

## NAYS

## Members

Anglin	Barthe
Beaubien	Béchar
Bellerose	Benoit
Bertrand	Blanchet
Bourassa	Brousseau
Cameron (Huron South)	Cameron (Inverness)
Caron	Cartier (Sir George-É.)
Cayley	Chauveau
Cheval	Cimon
Costigan	Coupal
Crawford (Brockville)	Daoust
Delorme (Provencher)	Delorme (Saint-Hyacinthe)
Dorion	Dugas
Fortin	Fournier
Gaucher	Gaudet
Geoffrion	Gendron
Godin	Holton
Hurdon	Irvine
Keeler	Kempt
Lacerte	Langevin
McDonald (Middlesex West)	Masson (Terrebonne)
McKeagney	Munroe
Oliver	Pâquet
Pelletier	Perry
Pouliot	Power



Pozer  
Renaud  
Ryan (Montreal West)  
Stephenson  
Thompson (Haldimand)  
Tremblay  
Whitehead

Redford  
Robitaille  
Simard  
Stirton  
Tourangeau  
Webb  
Wright (Ottawa County)—64

**Hon. Mr. GRAY** then moved that all the evidence laid before, and taken by the Senate in this matter be referred to the said Committee. Carried on the same division (Yeas, 75; Nays, 64).

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### SEIZURES

**Hon. Mr. TILLEY** presented a return of seizures under the Customs Act.

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### BAIE VERTE CANAL

**Hon. Mr. LANGEVIN** brought down the return relating to the Baie Verte Canal.

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### CRIMPING AT QUEBEC

**Mr. SIMARD** before the orders of the day were called, would, in the name of humanity, call the attention of the House and Government to the state of uncertainty in which the commerce of the country was placed, owing to the depredations of crimps in the harbour of Quebec. The hon. gentleman read extracts from newspapers giving particulars of these depredations, in which one sailor, who could not be induced to leave his ship, was shot down in the most cold-blooded manner. He implored the Government to organize an efficient and strong police force to protect lives and property in the city which he had the honour to represent.

**Mr. BOLTON** was glad the subject had been brought up. Petitions had been presented from shipowners in England, complaining of the state of things in the port of Quebec, and he thought that unless some energetic action were taken, it would injure the shipping trade of the Dominion.

**Mr. WORKMAN** said the port of Quebec was celebrated for its lawlessness during the summer season, and in his opinion this was because the law was not properly administered there, and he cited a case in Quebec where a prisoner who had been convicted of crimping was permitted by a judge, after the witnesses had left the country, to enter a plea of not guilty, which resulted in his discharge. Owing to the efficient state of the police in Montreal crimping was scarcely known.

**Hon. Mr. IRVINE** was sorry to say that there was too much truth in the statement of the member for Montreal Centre (Mr.

Workman); but he could not assert that the hon. judge had induced the prisoner to withdraw his plea of "guilty" and plead "not guilty." The man had afterwards been bailed in two sureties of \$40 each. He was of opinion that lawlessness had increased during the past two years owing to the unfortunate desire on the part of the Government to economize, by reducing the water police to a number quite inadequate to the requirements, and he hoped the Government would be induced to increase the force at the port of Quebec.

**Hon. Mr. CHAUVEAU** said the Government of Quebec had offered a reward of \$1,000 for the arrest and conviction of the parties who committed the outrage.

**Hon. Sir GEORGE-É. CARTIER** explained the causes of the crimping at Quebec, and thought the proper remedy would be to furnish the ship builders, ship owners, and others, who employed the men obtained by the crimps to navigate their newly built vessels to the other side of the Atlantic, leaving vessels in this port without seamen, thereby encouraging crimping. He had listened to the statement of the member for Montreal Centre (Mr. Workman) with great pain. That statement contained good ground for the impeachment of the judge, and the hon. gentleman should be prepared, and ought before leaving his seat to make his statement in writing, in order that the judge, if guilty, might be brought to trial, or he should not have made such a statement.

**Mr. WORKMAN** had received his information from what he considered to be a reliable source, but had wrongly stated as to the judge having induced the prisoner to withdraw his plea of guilty, and was glad to be able to correct his remarks in that respect.

**Hon. Mr. CAMERON (Peel)** had understood that there was some mistake on the part of the counsel of the prisoner as to the effect of pleading guilty under the circumstances, and it being discovered that the only sentence the judge could pronounce was capital punishment, application to change the plea was made and granted.

**Hon. Mr. BLAKE** could not understand how bail in two sureties of £10 each had been accepted for a man who had pleaded guilty.

**Hon. Mr. IRVINE** was in court conducting the Crown business when the prisoner was tried, and then protested against the change of plea.

**Hon. Sir JOHN A. MACDONALD** agreed that it was unfortunate that the judge had allowed the plea to be withdrawn. The better course would have been to have allowed the trial to proceed, and the judge could have made representation to the Government to prevent the sentence being carried out. He also thought it a mistake allowing the prisoner to be bailed; but it was simply an error in judgment, and judges, like other men, were liable to errors. With respect to the water police force

June 3, 1872

employed at Quebec, it would be known by hon. gentlemen who sat in the last Parliament of Canada, and up to the present time, that objection had been taken to the votes for the water police at Quebec and Montreal, and the force had been considerably reduced; but upon representation from Quebec, the Minister of Marine (Hon. Senator Mitchell) had authorized that the force be increased to thirty men.

The subject was then dropped.

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### BRIDGES

**Hon. Mr. LANGEVIN** introduced a bill respecting bridges, and explained that its object was to apply those clauses of the Railway Act respecting the inspection of bridges to public bridges not under the control of the Government.

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### DEATH OF HON. JOHN SANDFIELD MACDONALD

*[Editor's Note: The Hon. John Sandfield Macdonald (Cornwall) died on June 1, 1872, as did Robert MacFarlane, a Liberal Member from Perth South.]*

**Hon. Mr. CAMERON (Peel)** desired, before the orders of the day were called, to say a few words respecting the death of Mr. John Sandfield Macdonald (Cornwall). It was understood there would be no adjournment of the House upon the death of a member except he was a member of the Government, and one of the members who had been most prominent in getting that rule adopted was Mr. Macdonald himself. He did not intend to propose any departure from that rule, but he desired to mention to the House that he had sent a telegram to Mr. Brydges asking him if he could place a special train at the disposal of those members who wished to attend the funeral tomorrow which would enable them to return in time for the evening session.

He wished to know if the leader of the Government and the leader of the Opposition would agree not to bring up tomorrow afternoon any matters that would excite discussion. He hoped this suggestion would be agreed to, so as to allow members to pay a last tribute to a gentleman who had been in public life since 1840.

**Hon. Sir JOHN A. MACDONALD** was sure the Government would be ready to pay every respect in their power to the memory of Mr. John Sandfield Macdonald, as an old and respected member of the House, as a well known person in public affairs, and as a gentleman who had held a high position in the Provinces of Canada and in the Province of Ontario. He had no doubt that every hon. gentleman in the House would join cordially in a tribute of respect to his memory. It was rather a strange coincidence that Mr. Macdonald himself should have been one to move the abolition of the custom of adjourning at the death of a member. That rule having been established he thought it wise to adhere to it, and when special

circumstances arise and the House felt it its duty to pay respect, they could adopt some other course than that of adjournment. The Government would willingly concur in the suggestion of his hon. friend.

He would take the opportunity of expressing for himself the deep and sincere regret that he felt at the loss the House had sustained. Although Mr. Macdonald for the major part of his life had been opposed to him (Hon. Sir John A. Macdonald), he would heartily accord to his lamented friend and his memory the tribute that he was sincerely attached to his country and its best interest. He was heart and soul a Canadian. Whatever might have been his course with his party or by his party, still he was actuated by a desire to promote the best interests of Canada. All who had known him for the many years he had been in Parliament would concur in that opinion. He regretted exceedingly that the necessities of public business would prevent his proceeding to Cornwall and having the melancholy pleasure of paying his last respects.

**Hon. Mr. CHAUVEAU** wished to add his tribute of respect to the memory of Mr. Macdonald. He regretted that so stringent a rule had been adopted as prevented the House from adjourning.

**Hon. Mr. MACKENZIE** was sure that every one on his side of the House would do anything which they could mutually do in honour to the memory of the departed statesman. The Hon. Mr. Macdonald had long been his personal friend, and though on political grounds they had of late years differed, that difference never extended beyond political matters, and nothing would give him more pleasure than if possible to get away, in order to pay the last tribute of respect to his memory.

All knew that, whatever might have been his political course, he was, as the Minister of Justice (Hon. Sir John A. Macdonald) had said, at heart and soul a Canadian, and as such it would give the utmost gratification to every one to do anything that would show to his relatives and to the country that they appreciated the position he held in the country without regard to party. He suggested that the estimates should be taken up on the afternoon of the following day, and any disputed items passed over.

**Hon. Sir JOHN A. MACDONALD** said the course suggested was quite satisfactory.

**Hon. Mr. DORION** was glad to hear expressions of such marked respect towards one in whom they all had the highest confidence. He for one intended to pay the last tribute of respect to his memory, and he thought few had deserved so well a mark of respect from those who had known him.

**Hon. Mr. BLAKE** was very glad arrangements had been made to allow a great many to pay the last mark of respect to the memory of the departed gentleman. During the short course of his (Hon. Mr. Blake's) political life he had been in opposition, and speaking from that point of view, he rejoiced to hear the statements expressed from both sides of the House as to the manner of regarding political



differences, and he hoped they would be able to act on such sentiments in the future. Enmities should be written in water.

As to the gentleman whose memory they were now speaking of, he joined most heartily in the statement already expressed that he was at heart and soul a true Canadian. To the best of his ability and according to his views—and his ability was great and his views acute—he had always done what he thought was for the interest of his country.

**Hon. Sir FRANCIS HINCKS** said that very few in the House had had a greater knowledge of the deceased gentlemen than he had. They had known each other from the beginning of their political life, and from that time had enjoyed a course of uninterrupted friendship. They entered Parliament together, and had been colleagues in office for a long time; and, though their political connection had been interrupted, during a period of thirty-five years they had continued to be warm personal friends, and he could not remain altogether silent without cordially agreeing with the remarks that had been made, and without saying how sincerely anxious he was to pay every possible mark of respect to the memory of the deceased.

**Hon. Sir GEORGE-É. CARTIER** could add nothing to the sentiments of sympathy and regard to the sense of the loss the country had sustained, which had been expressed from both sides of the House. Mr. Sandfield Macdonald and he had been personal friends before entering the political arena, and when he (Hon. Sir George-É. Cartier) first entered Parliament, it has been his happy lot to support Mr. Macdonald and his colleagues, and, though they had afterwards been opposed, their mutual friendship had never ceased, and he could say that the deceased gentleman had been one of his best personal friends, and no one had stood nearer to his heart, and to no one had he a greater or more sincere friendship.

He regretted very much his loss personally and politically, and sympathised deeply with the bereaved family, with whom also he had the pleasure of being intimately acquainted. He regretted very much that the necessity for his presence in Ottawa would prevent him from attending the funeral and so testifying his respect for the memory of the departed, and his sympathy with the family.

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#### TORONTO CORN EXCHANGE

The Act to incorporate the Toronto Corn Exchange Association was read a third time and passed.

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#### WESLEYAN METHODIST MISSIONS

**Hon. Mr. ABBOTT** moved the House into Committee on the Act to incorporate the missionary society of the Wesleyan

Methodist Church in Canada. The Act was passed through committee with amendments, was read a third time, and passed.

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#### SENATE AMENDMENTS

The amendments made by the Senate to the Act to incorporate the Marine Bank of the Dominion of Canada were read a second and third time and concurred in.

The amendments made by the Senate in the Act to incorporate the Exchange Bank of Canada, the Act to incorporate the Bank of Acadia, the Act to incorporate the Bank of Hamilton, and the Act to incorporate the St. Lawrence Bank, were read a third time and concurred in.

\* \* \*

#### ANTICOSTI COMPANY

The Act to incorporate the Anticosti Company was read a second time and the House went into committee, **Mr. CARTWRIGHT** in the chair. Certain amendments were made and read a first time.

At six o'clock the House rose.

#### AFTER RECESS

##### CLAIMS

**Mr. WORKMAN** moved for correspondence relative to the claims of Mr. G.H. Ryland on Her Majesty's Government. —Carried.

\* \* \*

#### MONTREAL HARBOUR

**Mr. WORKMAN** moved for correspondence in reference to the stoppage of certain improvements at Windmill Point, Montreal Harbour. He regretted that this work had been stopped, as it would have been a great convenience to shippers. He would like an expression from the Government as to whether it would be continued.

**Hon. Mr. LANGEVIN** consented to the motion. The reason of the stoppage was he had found that the proposed work would interfere with the construction of a second entrance, which it was proposed to make to the Lachine Canal, and if the work referred to by the hon. member was constructed it would afterwards have to be destroyed. The Harbour Commissioners had been recommended to propose a comprehensive scheme for the general improvement of the harbour to be taken into consideration from time to time, and he

June 3, 1872

had no doubt they were now engaged on that.

**Mr. WORKMAN** was glad an additional entrance was to be given to the Lachine Canal, as at present it was much wanted. He was satisfied this explanation would give general satisfaction.

\* \* \*

#### CLAIMS RESPECTING THE RED RIVER REBELLION

**Mr. DREW** moved for a statement of claims made respecting the insurrection in Rupert's Land. He said that many of the claims were as objectionable as that alluded to in the report already submitted, and he thought that the evidence taken by Judge F. G. Johnson in each case should be laid before the House.

**Hon. Sir FRANCIS HINCKS** had no objection, but the information was already in the Public Accounts.

**Mr. JONES (Leeds North and Grenville North)** drew attention to the claim of Thomas Baxter, which was deserving of consideration.

The motion was carried.

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#### PURCHASE OF WAR MATERIAL

**Hon. Mr. BLAKE** moved for correspondence touching the amount of stores purchased by Canada from the Imperial Government. He had observed that it had been stated in the Imperial Parliament that the Canadian Government had represented that the arms and stores had not been handed over as agreed upon, and that the officer commanding the artillery had replied that the statement was erroneous, ill founded, and hasty. He desired information on this point.

**Hon. Sir GEORGE-É. CARTIER** said all papers on the subject that could be brought down would be submitted.

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#### JUDGE JOHNSON

**Mr. FOURNIER** moved for copies of the commission of Hon. F. G. Johnson as Judge of the Superior Court.—Carried.

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#### HAMILTON AND PORT DOVER ROAD

**Mr. THOMPSON (Haldimand)** moved for correspondence relative to the Hamilton and Port Dover Road. He stated that since the road had been handed over to a Company it had been allowed to get out of repair, so as to become dangerous. There

were only two or three miles of good road, on which they took care to collect tolls. The people of the neighbourhood considered the Government culpable in the matter.

**Mr. LAWSON** thought the complaints were well founded, and hoped the Government would take the matter up, and, if possible, afford some relief.

**Hon. Sir FRANCIS HINCKS** said that the difficulties in the way could not be removed if to accomplish that the Government were expected to spend money on the road. A sum of money was already due the Government on this road, and he was afraid they would neither get principal nor interest. The Government could not undertake to keep local roads in repair, and they had been attacked for not making the road company fulfill their engagements, and pay the money they owe on the purchase.

**Hon. Mr. WOOD** considered that the company had had ample time to pay the purchase money, and thought that the Government should take the road out of their hands and call for tenders.

The motion was then carried.

\* \* \*

#### DUAL REPRESENTATION

The consideration of the amendment made in Committee of the Whole to the Act to compel members of the local Legislature in any Province where dual representation is not allowed, to resign their seats before becoming candidates for seats in the Dominion Parliament, was resumed.

**Mr. COSTIGAN** moved that the bill be referred back to Committee for amendment.

**Hon. Mr. BLAKE** thought the bill should be referred back to Committee without instructions.

**Hon. Sir GEORGE-É. CARTIER** said if the amendment were objectionable it would be amended on receiving the report.

**Hon. Mr. BLAKE** maintained that the whole effect of a Committee of the Whole would be destroyed.

**Hon. Sir JOHN A. MACDONALD** thought there was no force in the objection, and it would be better to discuss the amendment with the speaker in the chair.

**Hon. Mr. HOLTON** said the effect of the new course would be to dispense with the first and second reading, as the amendment constituted the whole bill.

**Hon. Sir JOHN A. MACDONALD** said the amendment contained no new principle, and a present discussion on the



change gave a second reading.

**The SPEAKER** said the matter rested entirely with the House.

**Hon. Mr. WOOD** said the change would bring in an entirely new bill, and was out of order, and quoted a precedent.

**Hon. Mr. HOLTON** spoke to the same effect.

**The SPEAKER** overruled objection.

**Hon. Mr. BLAKE** referred to the amendment previously made when he had pointed out the necessity of amendment to attain the object proposed. Formerly it had been proposed and the House agreed that the bill should operate from the issue of the writs, and he was glad that the position which he should have called "outrageous" had been receded from, and to make the period of disqualification that of nomination. That would give the Government an advantage that no Government ought to possess. It was not proposed that for the purposes of the hon. gentleman opposite, election for the local House would disqualify for the House of Commons. He did not think the bill was of such great consequence as had been supposed, and did not think it would have the effect expected; but he believed the Government would lose in the matter on account of the feeling that would be raised throughout the country that they were using their power for the purpose of thwarting the Local Legislature. He had already voted on the principle of the bill, and he did not propose at any future stage to vote on the bill as it affected Ontario.

**Mr. COSTIGAN** said that, as the bill had been first arranged, the Ontario Legislature would have time within its terms. He had had some difficulty from inexperience, in framing the bill; but he had not the slightest desire to affect any gentleman opposite, but believed the operations of the bill would be beneficial throughout the country. He believed the member for Durham West (**Hon. Mr. Blake**) to be sincere in his expression in favour of the bill, and had accepted his suggestions. The bill in no way singled out Ontario, but affected all Provinces alike.

**Mr. MILLS** maintained that Mr. Costigan had extended his bill to the Province of Ontario in consequence of new light received from the Government. The principle of the bill did not warrant its application to Ontario. He believed the bill to be out of order, but should not raise the question at that moment.

The motion was carried, and the House went into Committee—**Mr. NATHAN** in the chair. The amendment went through Committee.

**Hon. Mr. BLAKE** said the question of disqualification was being pushed further day after day, and he should hail the day when the principle of the bill previously proposed by the member for Bothwell (**Mr. Mills**) should be acknowledged. At the same time, it was their duty to guard against a great danger.

He then referred to the formation of the company for the construction of the Pacific Railway, pointing out that the

Government of the day would have such a control over them that the goodwill of the Government would make them prosperous. The ill will of the Government would effect their ruin. He believed that sufficient means had not been provided, and that further applications for assistance would yet be made; but in addition to that there was the strongest degree of interest in the question whether they got their land and money as they wanted it. There had already been rumours of discontent on account of an amendment providing that the subsidy shall be payable in proportion to the construction, as that was calculated to hamper the Company.

Everything was to be left in the hands of the Government, and under those circumstances he entertained the strongest opinion that it was essential to the independence of the House that they should get out of the walls of the House those gentlemen who entered the Company, which was supported and sustained by the Government, and would have to obtain its resources for the prosecution of the work from the Government of the day. On examining the matter he found that in the list of provisional directors there were twenty-five members of Parliament, and if these directors remained in the House, how long even would the stern virtue of the Minister of Justice (**Hon. Sir John A. Macdonald**) resist an attack of a board of twenty-five members saying to him: "We support you, but we cannot do so if you are so niggardly of the public lands and monies. We want the lands and money faster, and a little more, and we must have them or the next vote of want of confidence may find us on the other side."

**Hon. Mr. BLAKE** moved, in amendment, seconded by **Hon. Mr. HOLTON**, That all the words after "the" to the end of the Question, be left out, and the words "Bill be re-committed to a Committee of the whole House with instructions to make provision that any person who is a shareholder in the Pacific Railway Company (which is to receive on terms to be fixed by the Government of the day thirty millions of dollars of the public monies and fifty millions of acres of the public lands) shall be ineligible for a seat in this House, and that any Member of this House becoming such shareholder shall thereby vacate his seat" inserted instead thereof.

**Hon. Sir JOHN A. MACDONALD** admired the Roman virtue of his hon. friend opposite, but it was rather late in the day to display it. The hon. gentleman so much approved of the principle of the bill that he had voted for it the other day much to the disgust and annoyance of his leader. Devoted, however, as the hon. gentleman had been to the principle, he had managed to leave a loop hole for himself by a trick upon his own Legislature before which he had so manfully put his bill as to make the country believe that while he retained a seat in the Commons he would be rightly excluded from the Legislature. He had endeavoured to play two games and to hedge for the double event. (*Laughter.*) Although he had been so virtuous as to vote for the second reading, the hon. gentleman seemed now to be disgusted at having been taken at his word.

Now with regard to this resolution, if the hon. gentleman would

June 3, 1872

look at home he would find plenty of occasion for the exercise of that virtue which he was so anxious to bring into play here. Let him look there and see the many railway bills passed in the last session in which the MPP's named in them were supporters of the hon. gentleman. (*Cheers.*)

The hypocrisy of the resolution was so evident that it might well create a laugh. Why, what had the hon. gentleman done? He had called the members of the Local Legislature together in a back room, asked them how much they wanted for their railway, and by settling how much each was to get for his constituency the hon. gentleman increased his majority from one to twenty, and now he came here and talked of his public virtue. (*Cheers.*) He (Hon. Sir John A. Macdonald) wondered that the hon. gentleman did not sink through the floor with shame at his hypocrisy, for it was nothing more nor less, and the country would certainly regard it in that and no other light. (*Cheers.*) He (Hon. Sir John A. Macdonald) commented upon the disgraceful haste with which the hon. gentleman had rushed his Orders in Council through the legislature, and yet he had come here with this poor pretence of virtue, expecting that it would impose upon the country.

The resolution was false in principle, for there was no reason why men of means, capable of joining in great enterprises, should be excluded from Parliament. It was a great thing for any Legislature to have included in its ranks men of standing, capital, and enterprise, who would put their hands to the plough and help the country in carrying out great works of improvement. The best way to prevent a man from using his influence improperly was to hold him responsible here as a representative. If the House and country knew that a man was connected with an enterprise, he was powerless to aid that enterprise improperly, for if he were to advocate additional grants to it the answer would be,—“You are not to judge in this matter; you are not to speak because you cannot speak disinterestedly.”

The danger was that when men were excluded from openly having an interest, they could hold it in the name of their sons or brothers, or partners, and the hon. gentleman knew what use could be made of partners. (*Cheers and laughter.*) They would do covertly what they were not permitted to do openly, and there would be more danger in that because they would operate in the dark and with greater chances of success.

The motion was unworthy of the hon. gentleman, because it was intended to transfer a bill for which he had felt himself compelled to vote, but which he now desired should be thwarted. He (Hon. Sir John A. Macdonald) asked whether the hon. gentleman, when he appropriated money in aid of the Toronto and Nipissing and other western railways, had made any proposition to exclude from the Legislature of the Province all shareholders in those companies. (*Cheers.*)

**Hon. Mr. BLAKE** said he hoped as he had been personally

attacked he would be allowed a few words in reply. The hon. gentleman had made but very few observations upon the merits of the Bill. He had pointed out that the true security to the country lay in this motion not being carried, for the reason that if members of Parliament were allowed to hold their stock openly, they would be fit to be members of Parliament, fit to exercise independence of judgment in public questions, not powerless to exercise a judgment at all.

The present proposal would, he told the House, not prevent members from holding their stock in secret, but if the motion passed it would prevent a member from holding stock secretly by means of his relations, because he would know that would unseat him just as well as if he had stock in his own name. The hon. gentleman had argued as if this railway was the only question respecting which members being shareholders of the company would be influenced by that position, but he (Hon. Mr. Blake) had pointed out that the fact of their being shareholders would affect the independence of the House and the whole policy of the Government. He was sorry the hon. gentleman, who was leader of the House, had thought it proper—after what the member for Lambton (Hon. Mr. Mackenzie) and himself had said, after their abstaining on several occasions from saying a word with reference to unjust and untrue attacks upon their connection with local politics—that after this the honourable gentleman should have persisted in those attacks.

He was not surprised, however, that the hon. gentleman should take that course, because it was his practice when he could not answer a motion with argument to answer it with abuse. When he (Hon. Mr. Blake) made this motion, which would meet with a responsive echo in the country, if not in the House, he was persuaded the hon. gentleman would resort to his usual practice. He would tell the hon. gentleman that a motion was made in the Ontario Legislature to make the law in this matter just as the hon. gentleman himself would like to have it; that that motion was made by the hon. gentleman's lieutenant in the Local House, and was rejected by a very large majority. But the hon. gentleman got his information from the newspaper he had recently started, in which he was a shareholder, although he was ashamed to let his name appear on the list. However, they knew that he headed the subscription list for the paper, that he was a shareholder in it, and was its inspirer; he first got his stories published in his own paper, and then he repeated them in the House.

The hon. gentleman was pleased to say that he (Hon. Mr. Blake) had called together in caucus the members of the Local Legislature, and asked them how much they wanted for their railways. That statement was absolutely without a particle of foundation: not a single soul in the House or out of it except his colleagues had the slightest idea of what railways would be aided or to what extent they would be aided, till the hour when he laid upon the table the Order in Council determining that aid. He here absolved every man who heard him or who might read what he said from any obligations of secrecy upon this subject;



may move, he called upon every man, from one end of Ontario to the other, who knew anything about it to speak out and shame him if he had not told the truth. (*Cheers.*) On the contrary, there was no enquiry. Only on two occasions was he applied to on the subject, and on those two occasions it was by public deputations who wished to supplement by oral statement the written statement they had sent in.

At the time he formed his Government and for a long time afterwards there was no idea what roads would be aided and to what extent. They had not the necessary information at the time to enable them to form any judgment on the subject, and he was employed for weeks in obtaining that information. During all that time he was sustained by a large majority, before a single word had been said about the railway subsidies. Those were the facts, and he challenged the honourable gentleman to produce his authority for his statements, and he branded him if he did not produce it with the character of a man who, standing in the first position in that House, dared to sully his position by making unfounded statements against another. (*Cheers.*)

The hon. gentleman next said he (Hon. Mr. Blake) had brought down to the Local Legislature a large pile of papers at so late a period that it was impossible to form a judgment on them. That statement was as unfounded as the other. All the papers connected with the claims of Railway Companies for aid, and which were necessary to found a judgment upon, were brought down from time to time in a printed form; they were printed to the exclusion of all other business, and some of them were brought down in an incomplete shape so as not to delay them.

It was true the Orders in Council themselves were brought down later for the reasons that it was impossible for them to implement the obligations of the late Government, and the reasonable expectations of the country, without either increasing the fund or cutting off some of the roads, or reducing the scale to each road. They decided to increase the fund, and the moment the House agreed to that increase they brought down the Orders in Council, but all the considerations necessary in order to form a correct judgment as to each grant were before the House, some of them weeks before, and what was the result? Why, against the first Order in Council there were only seven votes in a House of 82; against the next there were only 3 votes; and the others were passed without a dissenting voice. If the hon. gentleman would bring down proposals so acceptable that they were agreed to by both sides, including the leader of the Opposition, he (Hon. Mr. Blake) would not complain of his bringing them down late; but what he did complain of was that the honourable gentleman brought down disputable questions at a period too late for discussion.

The hon. gentleman, willing to wound yet afraid to strike, stated that he (Hon. Mr. Blake) knew the use of a partner. The hon. gentleman ought to know enough to know that he (Hon. Mr. Blake) stated in his place in the House that he knew nothing about the affair referred to from beginning to end. He knew, or

ought to know, that his chief accuser himself asserted the same thing. No charge was made against him, and yet the hon. gentleman said that he knew how to use a partner. He would not degrade himself by repeating his denial; but with reference to another gentleman who was not here to defend himself, he thought it right to say a word on his behalf which he would not say for himself, for though the hon. gentleman said he had sunk low in the estimation of the people he was willing to poll Ontario against him at any time. (*Cheers.*)

What was charged against his (Hon. Mr. Blake's) partner? Why that as an active electioneer, who took an active interest in the election of candidates in that election, had advanced some twenty-five dollars to pay the travelling expenses of a gentleman who was going up to canvass for that candidate. That was the crime of which he had been guilty. He would like to know how much the hon. gentleman had paid to assist his candidates. He thought it right to make these observations in reply to the First Minister (Hon. Sir John A. Macdonald), who had repeated stories which if he heard them read out of the newspapers, he (Hon. Mr. Blake) would have called lies, but which, as the Premier himself had repeated them, he would only say were absolutely untrue. (*Cheers.*)

**Hon. Sir GEORGE-É. CARTIER** personally was opposed to the principle of the bill because he thought the matter was one for legislation by the Provinces, but would have to oppose the motion of the member for Durham West (Hon. Mr. Blake). He thought it wrong to prevent any member of Parliament investing his money in such an undertaking and instanced the many cases of loss by shareholders of Canadian railways. The member for Durham West being out of his seat, he asked the member for Lambton (Hon. Mr. Mackenzie), if among these railways in the Province of Ontario which received bonuses there were not railways or a railway in which members of the Local Legislature were stockholders.

**Hon. Mr. MACKENZIE** did not know whether there were or not personally. He had never enquired and did not then know.

**Hon. Mr. BLAKE** having returned to his seat,

**Hon. Sir GEORGE-É. CARTIER** put the same question to him, to which he replied, that he did not know and had no idea whether there were or not.

**Mr. WHITE (Hastings East)** said the member for Durham West (Hon. Mr. Blake) must know that there were at least two members of the Local legislature for the County of Hastings who held stock in railways to which bonuses were given.

**Hon. Mr. BLAKE** thanked the hon. gentleman for telling him that which he had just stated he did not know.

**Mr. CUMBERLAND** said the hon. gentleman must know that he (Mr. Cumberland) was a shareholder.

June 3, 1872

**Hon. Mr. BLAKE** had not taken any notice of what the hon. gentleman had said, and therefore did not know that he was a shareholder.

**Hon. Sir GEORGE-É. CARTIER** said the effect of the replies he had elicited was that there were members of the Local Legislature who held stock in the railways aided by the bonuses to which the leader of the Opposition and the member for Durham West (Hon. Mr. Blake) pretended to plead ignorance, and he wondered why the hon. gentleman had not inserted a similar provision to his amendment in his bill, by which he hurriedly distributed \$2,500,000 among the railways of Canada.

**Mr. JONES (Leeds North and Grenville North)** thought the question at issue should be kept in view. The matter of railway grants in Ontario had been brought up to show that members of Parliament were connected with the railways to which grants had been made, and he thought that a good argument to show was that members of Parliament should not be connected with the Pacific Railway, to which such a great extent of aid would be afforded. There was nothing in the Pacific Railway Bill that would prevent any number of members of the House being connected with the undertaking, and he could not give his vote for such a proposition, as he did believe the principle to be safe.

The members were called in, and the vote on **Hon. Mr. BLAKE's** amendment resulted as follows:—Yeas, 55; Nays, 90.

(Division No. 30)

## YEAS

## Members

Anglin	Béchar
Blake	Bodwell
Bourassa	Bowman
Burpee	Cameron (Huron South)
Carmichael	Cheval
Chipman	Connell
Coupal	Delorme (Saint-Hyacinthe)
Dorion	Ferris
Forbes	Fournier
Geoffrion	Godin
Hagar	Holton
Joly	Jones (Leeds North and Grenville North)
Kempt	Mackenzie
Magill	McConkey
McDougall (Renfrew South)	Metcalfe
Mills	Morrison (Victoria North)
Oliver	Pelletier
Power	Pozer
Redford	Ross (Dundas)
Ross (Prince Edward)	Ross (Wellington Centre)
Rymal	Scatcherd
Snider	Stirton
Thompson (Haldimand)	Thompson (Ontario North)
Tremblay	Wallace (Albert)
Wells	White (Halton)
Whitehead	Willson
Wood	Wright (York West)
Young—55	

## NAYS

## Members

Abbott	Barthe
Beaty	Beaubien
Bellerose	Benoit
Bertrand	Blanchet
Bown	Brousseau
Cameron (Inverness)	Campbell
Carling	Caron
Carter	Cartier (Sir George-É.)
Cayley	Chauveau
Cimon	Coffin
Colby	Costigan
Crawford (Brockville)	Crawford (Leeds South)
Cumberland	Currier
Daoust	De Cosmos
Delorme (Provencher)	Dobbie
Drew	Dugas
Ferguson	Fortin
Gaucher	Gaudet
Gendron	Gray
Grover	Heath
Hincks (Sir Francis)	Houghton
Hurdon	Jackson
Keeler	Kirkpatrick
Lacerte	Langevin
Lapum	Lawson
Little	Macdonald (Sir John A.)
McDonald (Lunenburg)	McDonald (Middlesex West)
Masson (Soulanges)	Masson (Terrebonne)
McCallum	McDougall (Lanark North)
McKeagney	Merritt
Morris	Morrison (Niagara)
Nathan	Nelson
O'Connor	Perry
Pickard	Pinsonneault
Pope	Pouliot
Ray	Renaud
Robitaille	Ross (Victoria, N. S.)
Ryan (King's, N. B.)	Ryan (Montreal West)
Shanly	Simard
Sproat	Stephenson
Street	Thompson (Cariboo)
Tilley	Tourangeau
Tupper	Wallace (Vancouver Island)
Walsh	Webb
White (Hastings East)	Wright (Ottawa County)—90

**Mr. BODWELL** who could scarcely be heard in consequence of the noises proceeding from the Government benches which **The SPEAKER's** cries of "order" were unable to quell, said the bill of the member for Bothwell (Mr. Mills) had been opposed on the ground that it interfered with the privileges of the people in choosing whom they liked as their representatives, and the same objection must apply to this bill. In addition, the bill could not apply to Ontario on the same grounds as to the Lower Provinces, as the laws of the Provinces were different, and to pass the law would be a cowardly thing as it related to Ontario. He moved in amendment, seconded by **Mr. GODIN**, that all the words after "the" to the end of the Question be left out, and the words "Bill be now recommitted to a Committee of the whole House for the purpose of providing that the said Bill is based upon the proposition that in those Provinces where members of the Parliament of Canada are



prevented from becoming candidates for the local legislature, it is desirable to prevent members of such local legislatures from becoming candidates for the House of Commons,—that this principle though applying to the Provinces of Nova Scotia and New Brunswick does not apply to the Province of Ontario, where members of the Parliament of Canada may become candidates for the Legislative Assembly,—and to amend the said Bill by excluding Ontario from the operations thereof,” be inserted instead thereof.

**Hon. Mr. TILLEY** said it was not the law of New Brunswick that any gentleman offering for the Dominion Parliament was compelled to resign his seat in the Local Legislature.

**Hon. Mr. WOOD** said that such had been the proposition of the member introducing the bill.

**Mr. COSTIGAN** contended that the Bill was a general measure not affecting any province in particular, but that the amendment proposed made an exception in favour of one Province.

**Hon. Mr. McDougall (Lanark North)** said the intention of the amendment seemed to be that an exception should be made in favour of certain gentlemen in Ontario, enabling them to retain their seats in the House of Commons. When the question was first raised, he had held that the restriction was an unnecessary one on the rights of the people, but as these Provinces had decided in favour of that restriction he thought their decision ought to be respected. As to the charge of cowardice made by the member for Oxford South (Mr. Bodwell), if the amendment passed, that charge would rest with him and those who supported the motion, who attempted to relieve certain gentlemen in Ontario from the consequences of their own agitation.

Ontario knew very well why the Ontario Act was made exceptional. Why did hon. gentlemen from Ontario occupy seats in the House today if the principle was corrupt? Why did they not resign at once? They did not, but they made their law, prepared with the peculiar ability and skill which the leader of the Ontario Government could so well apply, and they were in the House now, and could again go to the country with all the advantages which their position as Ministers gave them over men like him (Hon. Mr. McDougall), who had not such advantages. (*Cheers.*) He agreed with the principle of the member for Victoria that it was unfair to allow a member of a Local Government to go to a constituency as a candidate for the Dominion House, and if successful, to retain his position; and if not, to fall back upon his previous office. Ontario would not give hon. gentlemen credit for that purity and honesty which they claimed when they framed their measure, if they now supported the amendment proposed.

**Hon. Mr. DORION** said the House was carrying the principle further than the Ontario Legislature desired, and in doing so, they were certainly not respecting the Local Legislature. If the House legislated on the subject at all, it ought to legislate for the whole Dominion, and not for a part only; but he should vote for the amendment of the member for Oxford South (Mr. Bodwell) until the Local Legislature of Ontario acted in the matter.

**Hon. Sir JOHN A. MACDONALD:** And that is the logic of the hon. gentleman. He is against dual representation altogether, and yet when three Provinces had acted in accordance with his opinion, he would not support them. The motion of the member for Oxford (Mr. Bodwell) could not meet much favour in the House, and it was in direct opposition to the instructions of the House to the committee, which were concurred in. They had the right in discussing these questions, notwithstanding the dictum of the member for Durham West (Hon. Mr. Blake) to draw inferences from the action of Provincial Legislatures. This was done every day in respect to the proceedings of the Imperial Parliament, and why they should not with the same propriety discuss or allude to the conduct of the Provincial Legislatures, he could not understand.

The hon. gentleman found it very inconvenient, and disliked any allusion to his conduct as a Minister; but the hon. gentleman must remember that as a public man he was public property. That was the only way in which a public man could be judged, and if they did not like it they must alter their course. The most extraordinary thing was that the hon. gentleman should object to any attack on his Ministry.

He would ask the House whether during the whole of the administration of Hon. John Sandfield Macdonald these hon. gentlemen opposite had not spread throughout the country the cry that he (Hon. John Sandfield Macdonald) was the slave of him (Hon. Sir John A. Macdonald), and whether on every hustings and in every public place and in the Local and Dominion Houses they had not brought up again and again the cry that the Ontario Government were subject to his influence, and that Hon. John Sandfield Macdonald was at the beck and call of Hon. Sir John A. Macdonald; and whether there was not a continuous system of attack in the Local Administration for its supposed connection with the general administration. (*Cheers.*)

This was the universal course taken by hon. gentlemen, and to which they now so strongly objected. The hon. gentleman commented in scarcely parliamentary language on a statement he had made, and he concluded by establishing in substance everything he (Hon. Sir John A. Macdonald) had said. The hon. gentleman admitted what he (Hon. Sir John A. Macdonald) stated as to the time of bringing down the Orders in Council about the railway grants, and he avoided altogether noticing the fact that, while desiring to drive out of the House every one connected with the Pacific Railway, he never made any enquiry as to whether members were connected with the railways to which he granted subsidies. When he was asked whether he knew that members were connected with those railways, he and the member for Lambton (Hon. Mr. Mackenzie) said they did not know. He (Hon. Sir John A. Macdonald) never heard such an admission.

The hon. gentleman was responsible for seeing that the money which he was scattering broadcast over the Province was given to solvent persons, and yet he did not know who were the managing directors of the companies to whom he gave grants. He would ask the hon. gentleman whether Mr. D.D. Calvin did not lay before him

June 3, 1872

as Director of the Kingston and Pembroke Railway a statement in writing claiming a subsidy for that railway on the ground that it had been promised by the previous Government and whether it was not signed by Mr. Calvin and by Mr. Robinson, the member. He knew that statement was before the hon. gentleman, and he left it to the House and the country whether there could be any dependence on a man who, whatever his abilities or principles might be, could not remember who the men were to whom he was granting away such large sums of money.

If it was so wrong, so contrary to principle that a member of Parliament should hold any position on a railway, why did not the hon. gentleman, as a responsible minister, bound to take care of the public money, deal with one of his own colleagues, and make a bargain with him as managing director of an insurance company. (*Loud cheers and laughter.*) He could just imagine the discussion between the two gentlemen as to the rate to be paid by the Province, and he gave it as an illustration of how absurd the doctrines of the hon. gentlemen were when put to a logical test.

As to the Proton scandal, the hon. gentlemen said he had nothing to do with it, and of course they must receive his assertion; but that also might be a lapse of memory (*Cheers and laughter*), and the report of the Committee certainly condemned the Administration of which he was a member, although by some hocus pocus the consideration of that report was postponed until after the next general election. (*Cheers.*) If the hon. gentlemen had been desirous of freeing his Administration of the charge made against it, he would have kept the House sitting until he got its decision. The report showed that Mr. Oliver sent a telegram to Mr. Lewis, as Government valuator, for the purpose of his going to the county of Grey, where he went about from door to door, and man to man, telling the voters the result of their voting right. He did not go as a mere election agent, but he went with his original books in his possession after consultation with Mr. McKellar. This was the result of the committee's investigation, and the hon. gentleman was very right to deny that he had anything to do with the matter, and it was a proud thing for him as a gentleman and a man that he was freed personally from any cognizance of such a nefarious transaction, for it was an attempt to corrupt representation at its very source. (*Cheers.*)

**Hon. Mr. BLAKE** said the hon. gentlemen had not answered him until an hour after he had spoken, apparently taking time to get primed by his supporters.

**Hon. Sir JOHN A. MACDONALD:** I could not without breaking the rules of the House.

**Hon. Mr. BLAKE** said there was another resolution before the House and the hon. member had not taken advantage of the opportunity afforded him, but had to get primed and loaded by gentlemen in the gallery he employed on his paper. (*Laughter.*) He (Hon. Mr. Blake) repeated his statement that he could not say positively whether any member of the Local legislature was a shareholder in any company aided by public money in Ontario. He supposed some members were, but what had this to do with the question before the House?

The Ontario companies were started upon considerable bona fide capital upon a basis of subscription, and to a large extent upon condition voted upon by Parliament, prescribing the amount of aid in money and the terms upon which it should be given. Those terms were that money should not be given until the completion of the road ready for rolling stock. All was fixed on the determination of Parliament, and there was an end of it. It was as different from the present case as was possible to conceive. A principle laid down could not be pushed to extremes. Did not the House know that relatives of hon. members opposite were appointed to offices which members themselves could not hold? They knew it was contrary to the spirit of the Independence of Parliament Act, yet the principle could not be pushed to extremes so as to exclude such relatives of members from office; but in dealing with a case altogether exceptional, with an enterprise on which it was proposed to hand over the public resources to an amount in land and money equal to the whole amount of the public debt of the Dominion. (*Hear, hear.*) When it was proposed to hand over to one private corporation all this sum, it was expedient to consider whether, on the growth of a corporation so gigantic and aided by public funds, it required specific legislation to meet the specific case.

Practical men applied general principles to cases to which they ought to be applied. This was a practical case in which it was plain to be seen the independence of the House was likely to be affected. The paper referred to by the hon. gentleman opposite he remembered was signed by Mr. Calvin. He (Hon. Mr. Blake) received several such communications signed by gentlemen interested in railways. All those papers were published and before the country; and were to notify the Local Government of promises which had been made by their predecessors.

But the hon. Minister of Justice (Hon. Sir John A. Macdonald) had trumped up a new charge, and accused the Local Government of insuring the public buildings of Ontario in a company with which a member of that Government was connected. The facts of the case were that the Postmaster-General, a colleague of the Minister of Justice, and Mr. M. C. Cameron, a member of the late Government of Ontario, were directors of the very company referred to. Hon. Mr. Blake repeated the facts connected with the case, explaining that the Ontario Government had merely renewed an insurance in the same companies as their predecessors had patronized, but on terms much lower than the former insurance. The charge of the Minister of Justice was merely an attempt to make something out of nothing at all.

He went over the charges in connection with the Proton affair, and explained at length the facts connected therewith, replying to the accusations of the Premier.

**Mr. FERGUSON** said the member for Durham West (Hon. Mr. Blake) had drawn the discussion away to other things altogether. As to the Proton Committee, however, he ought to have said that it was selected by himself and that it investigated a matter which had been already decided by the affidavits of most reliable men. The hon. gentlemen would bear him out in the statement that the Committee showed that Mr. Lewis went to the electors and said "if you do not vote for the Government candidate I shall write opposite your name, satisfied, no reduction; if you vote for the Government candidate you shall



have your valuation reduced." The hon. gentleman would not deny that. It was proved beyond doubt that Mr. Lewis was sent for by telegraph, that he was met by the brother-in-law and partner of the hon. gentleman who gave him money to pay his expenses, that Mr. McKellar went to him during the night, and that after getting his lesson he went away and threatened every one at Proton as he had already stated.

As to the distribution of the money, it was well known what every railway was going to receive; and as to the hon. gentleman not knowing the members were connected with the railways, he must have known that Mr. Williams, of Hamilton, was director of more than two or three roads and Mr. Williams told him that he expected to get a portion of the money next year. As to the distribution of the money, the latitude of forty-eight hours given by the Minister of Justice was much too great. The papers were laid on the table of the House a few moments before the House adjourned and they were printed next morning. He (Mr. Ferguson) himself had voted against the grants, because no time was allowed for consideration of the matter.

A few evenings ago the same discussion came up, when he took the opportunity to refer to a paper which was passed across the floor of the House from the President of the Council to the member for Brant. That member then charged him with telling a lie, and further, that it was a d——d lie. Since that time a paper he held in his hands, the *Hamilton Times*, had published a statement of the matter.

At this point there were great cries of "order" and much interruption, after which,

**The SPEAKER** ruled that the remarks were out of order.

**Mr. FERGUSON** said he desired to state that he held the document to which he had referred in his hand, which would show that what he had stated was perfectly true.

**Hon. Sir JOHN A. MACDONALD** said the Speaker had ruled that the hon. gentleman was out of order and he must bow to that decision; but he also ruled that he could take another opportunity of dealing with the matter; and considering the way in which he had been spoken of, he (Hon. Sir John A. Macdonald) thought he would do perfectly right to take such an opportunity.

**Mr. FERGUSON** repeated that he had the document in his hand, and should take an early opportunity of proving what he had said.

**Mr. ROSS (Victoria)** said that such debates as were now indulged in were a strong argument against dual representation.

**Hon. Sir GEORGE-É. CARTIER** said that this business of Ontario was wearing out, and the oftener it was brought forward the sooner it would come to an end. (*Laughter.*)

**Mr. CUMBERLAND** desired to refer to some of the remarks made by the member for Durham West (Hon. Mr. Blake). That hon. gentleman had spoken of a circular sent by the present Postmaster-General when Collector of Crown Lands. The hon. gentleman's memory seemed to have failed him very considerably to-night, for whereas he had stated it to be a circular, it was only a private letter.

**Hon. Mr. MACKENZIE:** Was it a printed document?

**Mr. CUMBERLAND:** It was not.

**Hon. Mr. MACKENZIE** said that it was a printed document and that he had it there.

**Mr. CUMBERLAND** said when the hon. gentleman asked him a question with the direct intention of contradicting him, he would like to know beforehand, so that he would know how to meet him. The only printing about the paper was that it had the official heading of the Department, but it was in the handwriting of the Postmaster-General or his Secretary. The member for Durham West (Hon. Mr. Blake) was very innocent, and said he forgot all about the railway caucus and told them a very innocent story.

He (Mr. Cumberland) was most unwilling to enter on these personal questions, but they were answerable for them who commenced the attacks. The member for Durham West appealed to the House about an innocent youth who did nothing, he said, but charitably lend to Mr. Lewis \$25. The hon. gentleman knew or ought to know that the original telegraph sent to Mr. Lewis emanated from that same person, and he knew or ought to know that when Mr. Lewis came to Toronto he was met there by the same gentleman. The report of the Committee was an exposition of the results of an hon. gentleman in one Parliament decrying and denouncing the report of a Committee of another Parliament of which he was leader, and a report which according to his good will and pleasure would have been blocked for twelve months, but they could there have the opportunity of meeting the hon. gentleman on the question, and every member of the House of Assembly knew that the report was kept back until the last moment and Mr. Cameron was compelled to complain.

He (Mr. Cumberland) further alluded to the pitchforking into the Asylum at Brantford of a relative of the member for Lambton (Hon. Mr. Mackenzie) and to the fact that upon the appointment of the Royal Canadian Bank as financial agents of Ontario, Messrs. Blake, Kerr & Bethune became solicitors to that Institution, and they, the hon. gentlemen opposite, should remember these things when they attacked the honour of other public men.

June 3, 1872

**Mr. CRAWFORD (Leeds South):** As the Royal Canadian Bank, of which he was President, had been alluded to, he desired to make an explanation in justice to the hon. member for Durham West and his colleagues. He denied emphatically the charge that the appointment of the firm of Blake, Kerr & Wells as solicitor, had anything to do with the selection of the Bank as financial agents, and said that in fact it was decided before the present Government in Ontario came into power that that firm should be selected.

**Mr. CUMBERLAND** denied that he had any intention of imputing anything that was unfair to the Royal Canadian Bank. His only desire in referring to the subject was to show how careful public men should be in dealing with matters of the kind.

**Hon. Mr. BLAKE** said he had made the charge in the very worst way a charge could be made. He had insinuated it after the manner of the organ of his leader. He (Hon. Mr. Blake) proceeded to say that he was not interested in any increase of business of his firm. Sometime before he became Premier of Ontario he had withdrawn from the firm as an ordinary partner, and accepted from it a fixed salary irrespective of the business of the firm. When the business of the bank was offered to his partners they told him they knew he was subjected to misrepresentation and calumny, and that if he expressed any wish to that effect they would decline the offer of the solicitorship of the bank.

He did not think his partners should be subjected to loss on account of the unscrupulous and dishonest representations of his opponents, and he so informed them. He saw no reason why his firm should be required to exercise any self-denial in that particular, on account of the misrepresentations of gentlemen opposite and their organs.

**Mr. BODWELL'S** amendment was declared lost on a division.

**Mr. GEOFFRION** moved in amendment that the report be not now received, but that the said bill be recommitted for the purpose of striking out the words, "if any member of a Provincial legislature shall, notwithstanding his disqualification as in the preceding section mentioned, receive a majority of votes at any election, such majority shall be thrown away, and it shall be the duty of the returning officer to return the person having the next largest number of votes, providing he be otherwise eligible, which shall give to the returning officer the right to decide on the election of a member of this House." The vote was then taken on the amendment with the following result:—Yeas, 42; Nays, 81.

(Division No. 31)

## YEAS

## Members

Anglin	Béchar
Blake	Bodwell
Bourassa	Bowman

Cameron (Huron South)  
Cheval  
Delorme (Saint-Hyacinthe)  
Fortier  
Geoffrion  
Holton  
Mackenzie  
Masson (Terrebonne)  
Metcalf  
Oliver  
Pickard  
Pozer  
Ross (Prince Edward)  
Rymal  
Snider  
Thompson (Haldimand)  
Wells  
Wood

Barthe  
Beaubien  
Benoit  
Blanchet  
Cameron (Inverness)  
Carling  
Carter  
Cayley  
Chipman  
Coffin  
Crawford (Brockville)  
Cumberland  
De Cosmos  
Drew  
Fortin  
Gaudet  
Grant  
Grover  
Hincks (Sir Francis)  
Hurdon  
Keeler  
Langevin  
Lawson  
Macdonald (Sir John A.)  
McDonald (Middlesex West)  
McCallum  
McKeagney  
Morris  
Nathan  
O'Connor  
Pinsonneault  
Pouliot  
Robitaille  
Ryan (King's, N.-B.)  
Shanly  
Sproat  
Street  
Tilley  
Tupper  
Walsh  
Willson—81

Carmichael  
Coupal  
Dorion  
Fournier  
Godin  
Joly  
Magill  
McDougall (Renfrew South)  
Mills  
Pelletier  
Power  
Redford  
Ross (Wellington Centre)  
Scatcherd  
Stirton  
Tremblay  
White (Halton)  
Young—42

## NAYS

## Members

Beaty  
Bellerose  
Bertrand  
Brousseau  
Campbell  
Caron  
Cartier (Sir George-É.)  
Chauveau  
Cimon  
Costigan  
Crawford (Leeds South)  
Currier  
Dobbie  
Forbes  
Gaucher  
Gendron  
Gray  
Heath  
Houghton  
Jackson  
Lacerte  
Lapum  
Little  
McDonald (Lunenburg)  
Masson (Soulanges)  
McDougall (Lanark North)  
Merritt  
Morrison (Niagara)  
Nelson  
Perry  
Pope  
Renaud  
Ross (Victoria, N. S.)  
Ryan (Montreal West)  
Simard  
Stephenson  
Thompson (Cariboo)  
Tourangeau  
Wallace (Vancouver Island)  
White (Hastings East)

The motion for the second reading of the amendment was then carried, and **Mr. COSTIGAN** moved the third reading of the bill.

**Mr. GEOFFRION** moved in amendment "that the bill be not



now read a third time, but that the same be recommitted to a Committee of the Whole House for the purpose of amending the same in such a way as to apply to members of all the Local Legislatures in this Dominion."

The vote resulted as follows: —Yeas, 43; Nays, 77.

*(Division No. 32)*

YEAS

Members

Anglin	Barthe
Béchar	Blake
Bodwell	Bourassa
Bowman	Cameron (Huron South)
Carmichael	Cheval
Coupal	Delorme (Saint-Hyacinthe)
Dorion	Forbes
Fortier	Fournier
Godin	Holton
Joly	Mackenzie
Magill	McDougall (Renfrew South)
Metcalfe	Mills
Oliver	Pelletier
Pickard	Power
Pozer	Redford
Ross (Prince Edward)	Ross (Victoria, N. S.)
Ross (Wellington Centre)	Rymal
Scatcherd	Snider
Stirton	Thompson (Haldimand)
Tremblay	Wells
White (Halton)	Wood
Young—43	

NAYS

Members

Beaty	Beaubien
Bellerose	Benoit
Bertrand	Blanchet
Brousseau	Cameron (Inverness)
Campbell	Carling
Caron	Carter
Cartier (Sir George-É.)	Cayley
Chauveau	Chipman
Cimon	Coffin
Costigan	Crawford (Brockville)
Crawford (Leeds South)	Cumberland
Currier	De Cosmos
Dobbie	Drew
Fortin	Gaucher
Gaudet	Gendron
Grant	Gray
Grover	Heath
Hincks (Sir Francis)	Houghton
Hurdon	Jackson
Keeler	Lacerte
Langevin	Lapum
Lawson	Little
Macdonald (Sir John A.)	McDonald (Lunenburg)
McDonald (Middlesex West)	Masson (Soulanges)
Masson (Terrebonne)	McDougall (Lanark North)
McKeagney	Merritt
Morris	Morrison (Niagara)

Nathan	Nelson
O'Connor	Perry
Pinsonneault	Pope
Pouliot	Renaud
Robitaille	Ryan (Montreal West)
Shanly	Simard
Sproat	Stephenson
Street	Thompson (Cariboo)
Tilley	Tourangeau
Tupper	Wallace (Vancouver Island)
Walsh	White (Hastings East)
Willson—77	

**Mr. MILLS** raised a point of order that the House had already, during the present session, decided upon the principle of the amendment just voted upon being in the case of a bill introduced by himself; and read from an English authority to show that the House could not vote twice on the same principle during one session.

After some remarks from **Hon. Sir GEORGE-É. CARTIER**,

**The SPEAKER** decided that the principle of the amendment now under discussion and that of the bill introduced by **Mr. MILLS** were quite different, and therefore overruled the point of order.

A division being taken on the third reading, the bill was carried, the votes being: —Yeas, 70; Nays, 36.

*(Division No. 33)*

YEAS

Members

Barthe	Beaty
Bellerose	Benoit
Bertrand	Blanchet
Brousseau	Cameron (Huron South)
Cameron (Inverness)	Campbell
Carling	Caron
Carter	Cayley
Chauveau	Chipman
Cimon	Coffin
Costigan	Crawford (Brockville)
Cumberland	Currier
Dobbie	Forbes
Fortin	Gaucher
Gaudet	Gendron
Grant	Gray
Grover	Heath
Hincks (Sir Francis)	Houghton
Hurdon	Jackson
Keeler	Lacerte
Lapum	Macdonald (Sir John A.)
McDonald (Lunenburg)	Masson (Soulanges)
McDougall (Lanark North)	McKeagney
Merritt	Morris
Morrison (Niagara)	Nathan
O'Connor	Perry
Pickard	Pinsonneault
Pope	Pouliot
Renaud	Robitaille
Ross (Prince Edward)	Ross (Victoria, N. S.)

June 3, 1872

Ryan (Montreal West)  
Sproat  
Street  
Thompson (Haldimand)  
Tupper  
White (Halton)

Shanly  
Stephenson  
Thompson (Cariboo)  
Tilley  
Walsh  
White (Hastings East)—70

Godin  
Joly  
Lawson  
Magill  
Mills  
Pelletier  
Pozer  
Scatcherd  
Stirton  
Wells  
Wood

Holton  
Langevin  
Mackenzie  
Masson (Terrebonne)  
Oliver  
Power  
Redford  
Simard  
Tourangeau  
Willson  
Young—36

NAYS

Members

Anglin  
Bécharde  
Bowman  
Cartier (Sir George—É.)  
Coupal  
Delorme (Saint—Hyacinthe)  
Fortier

Beaubien  
Bodwell  
Carmichael  
Cheval  
Crawford (Leeds South)  
Drew  
Fournier

**Hon. Mr. BLAKE** had previously informed the House, and he would state again, that the bill just passed would not prevent members of the House of Commons from sitting in the Local Legislatures.

The House then adjourned at one o'clock.





June 4, 1872

## HOUSE OF COMMONS

Tuesday, June 4, 1872

The **SPEAKER** took the chair at 3.25 p.m.

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*Prayers*

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## IMPERIAL DESPATCH

The **SPEAKER** presented a message from his Excellency the Governor General transmitting a despatch from the Colonial Secretary acknowledging the receipt of an address from the Parliament of Canada, congratulating Her Majesty upon the recovery of the Prince of Wales, and thanking it for the warm expressions of loyalty and sympathy contained in said address.

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## SUPPLEMENTARY ESTIMATES

The **SPEAKER** also submitted a message from the Governor General transmitting Supplementary Estimates of sums required for the public services for the year ending 30th June, 1873.

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## COMMITTEE OF SUPPLY

On motion of **Hon. Sir FRANCIS HINCKS** the House again went into committee of supply, **Mr. STEPHENSON** in the chair.

Upon the item of \$3,950 for a statistical office at Halifax,

**Hon. Mr. ANGLIN** asked if **Mr. Cosgrave**, who was employed as census commissioner at Halifax, was the gentleman of the same name who, he saw by the public accounts, had drawn a salary as clerk in one of the departments at Ottawa.

**Hon. Mr. POPE** did not know, but would make enquiry.

The item was passed.

On the item \$1,850 for salaries of deputy registrars in Nova Scotia, and for getting marriages returns,

**Hon. Mr. MACKENZIE** asked if it was the intention of the Government to submit any general plan this session for obtaining vital statistics.

**Hon. Mr. POPE** said it was not, but a general plan was under consideration.

**Hon. Mr. MACKENZIE** also asked if the Nova Scotia returns were to be printed in the report of the Department.

**Hon. Mr. POPE** said they would be in a separate report made by **Mr. Cosgrave**.

**Hon. Mr. MACKENZIE** said no one ever saw that report, as it was not laid before Parliament. The returns should be embodied in the departmental reports.

**Hon. Mr. POPE** thought the suggestion a good one, and, if possible, it would be acted upon.

**Hon. Mr. WOOD** said that for two years successively when this item had come before the House, the Government had announced that it would take the matter of statistics into consideration, and come down with a general scheme. Two years ago the excuse had been offered that there had not been time to prepare a plan, and last session it had been announced that this partial state of things—returns being collected in Nova Scotia and nowhere else—could not be allowed to continue. The Minister of Justice had made that statement, and had added that the Government had then under consideration a scheme which would be applicable to all the Provinces.

It was of the first importance that a proper system of collecting statistics should be adopted. Canada in this respect was behind all other countries, particularly in regard to the collection of vital statistics. He would like to know whether the Government would be prepared next session to come down with a scheme as had been promised.

**Hon. Sir JOHN A. MACDONALD** said he certainly had made no promise last session, for he was not present when the supplies were voted.

**Hon. Mr. WOOD** said it must then have been the session before, for he remembered the very words the hon. gentleman had used—"that this partial state of things cannot be allowed to continue, and the Government will be prepared with a general scheme."



**Hon. Sir JOHN A. MACDONALD** said he remembered the discussion, and his remarks might have been in that sense; though he did not recollect the exact words. There was no doubt that the state of affairs with regard to the collection of statistics was unsatisfactory; but he did not see how a satisfactory system could be devised, except at great expense, without some understanding between the Local and General Governments.

It was true the General Parliament had power to command the services of all provincial officers, and order them to make returns; but he thought it would be extremely inexpedient to use that power except under an extraordinary necessity. As a rule, officers appointed by the Local Governments should render all their services to those Governments, and the General Government should employ officers on its own to perform whatever duties it required to be executed. That was the case in the United States, and he thought the rule a good one in its general application.

The difficulty then in the case was that the general Government had no officers for the collection of statistics throughout the Dominion; and at the time he had spoken, as referred to by the hon. member for Brant South (Hon. Mr. Wood), there had been on his mind the idea that there should be some arrangement between the Dominion and Provincial Governments, by which there would be a general plan for that purpose, as the hon. gentleman had suggested. The Government would perhaps be able in the next Parliament to do something of that kind.

**Hon. Mr. HOLTON** hoped there was no such fate in store for the country.

**Hon. Sir JOHN A. MACDONALD** was afraid the hon. gentleman would have to submit to it.

The item was passed.

On the item of \$190,000 for the census,

**Hon. Mr. MACKENZIE** asked for information.

**Hon. Mr. POPE** said there had been expended in 1870-71, out of the vote of \$310,000, the sum of \$150,000. The amount so far expended in the current year had been \$250,000. It was estimated that the needs of the remainder of the current year would be about \$7,000 more. This latter sum would be applied to the payment of expenses for compiling and printing the reports, and for taking the census in the North-west. This item of \$190,000 was a re-vote of the unexpended balance of last year.

**Hon. Mr. ANGLIN** asked the total expenditure connected with the census.

**Hon. Mr. POPE** said it would be about \$410,000. Up to this time one-third of the compilation had taken place, and it was expected that in about three months the first volume of the report would be in the printer's hands, if not printed.

The item was agreed to.

On the item of \$18,212 for salaries of emigration agents and employees,

**Mr. BOLTON** hoped the emigration office in London would be placed in a state of greater efficiency.

**Hon. Mr. POPE** said the agent in London had been instructed to furnish emigrants with all the information he could, regarding the different Provinces of Canada, and while in this country recently he had been supplied with everything that could be procured upon the subject. His salary had been increased, and a more liberal allowance made with regard to expenses. He had also been instructed, if he could do so at a reasonable rate, to furnish a better and more convenient office, which would be more accessible to emigrants, and to which Canadians could resort when in London.

**Mr. YOUNG** thought full information should be given with regard to the expenditure in this department, for it had lately jumped from a small to a very large amount. The House ought to know how all this money was to be applied, and what benefit the country might be expected to receive from it.

**Hon. Mr. POPE** explained that they were all special agents appointed for a short period—most of them for six months. The hon. gentleman had said that item was large. He (Hon. Mr. Pope) admitted that but it had been found that agents of the United States were scattered all over the Old Country, circulating unfavourable reports from Canada, and it was necessary to take steps to set Canada in her true light. (*Hear, hear.*) This could not be done by merely appointing agents to reside in cities and towns, as it was believed they did not reach those people who were desirous of emigrating.

While the Government expected a large emigration, it was known that labour was in much greater demand in the old country of late, and that employers of the latter were trying to prevent emigration. These had to be competed with, and the Government had therefore felt that they required a larger vote and more men to do the work which the people of the country demanded of them.

**Mr. YOUNG** had not intended to find fault. He merely asked for information. He was of the opinion that negligence had been shown in the past, and felt inclined to encourage any efforts tending to induce a large emigration. He presumed the policy of the Government was experimental, and he for one felt inclined to allow it to be tried. (*Hear, hear.*) But he would expect important results from such an increase in the expenditure. He asked to what countries agents had been sent.

**Hon. Mr. POPE** replied that agents had been sent to all the rural districts of England, three to Scotland, and agents to Germany, Belgium, Alsace and Lorraine, Ireland, and the Scandinavian provinces. He might say that, while he had anticipated a smaller emigration this year, he had been informed by his agents that it was to be much larger, and that the emigrants would be of a better class.

June 4, 1872

Agents had been instructed to secure a better class. There had already been an increase over last year. He did not expect the results of this additional expenditure this year. The people had to be educated up to the advantages of the country before any great results could be expected.

**Mr. WRIGHT (Ottawa County)** said the Society which had been formed in Ottawa had been the means of bringing out a better class of emigrants. It had been alluded to as a "coolie arrangement". All he could say was that, if the coolie arrangement was like this one, it was a very good arrangement. The course adopted by the Minister of Agriculture, in aiding these societies, would be advantageous to the country, and he hoped it would continue.

**Mr. BODWELL** had no doubt that the steps taken would induce a large emigration. He thought that German emigrants made good settlers or citizens. He had been informed that some fifty or sixty thousands Germans, now at Riga, in Russia, were desirous of coming to Canada, and he asked whether any steps had been taken by the Government to secure them.

**Mr. RYAN (Montreal West)** said the Government deserved credit for their action in the matter of emigration. He believed that, in view of the great public works to be constructed, greater inducements should be held out to emigrants to remain in the country.

**Hon. Mr. HOLTON** said there could be no doubt that the reason the past efforts of the Government had been unsuccessful was from the loose and desultory manner in which those efforts had been made. He approved of the course of the Minister of Agriculture (Hon. Mr. Pope) in asking for a large appropriation, in order to test the possibility of inducing a flow of emigrants into this country. He was not sanguine as to the result; but it was better to make a bold effort. He would only say that getting this large appropriation, he the Minister of Agriculture (Hon. Mr. Pope) would be held to very rigid account for the results.

**Mr. CURRIER** with reference to the society which had been formed in Ottawa, and of which he was President, said that the results of their efforts had been that a large number of emigrants had already arrived. Money was still being sent for the purpose of assisting emigrants, and an agreement was made that the amount advanced should be repaid by instalments.

**Hon. Mr. POPE**, in answer to the hon. member for Bothwell (Mr. Mills), said that the Government had been in correspondence with the Colonial Secretary on the subject of the sixty or eighty thousand Mennonites who wished to emigrate to this country. The Government had informed them that, in order to satisfy themselves, if they would send out one or two of their number to see the country, the Government would pay their expenses. Every information had also been conveyed to them, and in answer to a question from them they

had been informed that they would be exempt from military duty.

**Hon. Mr. ANGLIN** in making the remark about the coolie system the other day, had no intention of reflecting upon the system adopted by the society organized in Ottawa. He thought that society a good one and regretted there were not more of them. He had stated his opinion that, under the bill brought down by the Minister of Agriculture (Hon. Mr. Pope), providing for advances to be made to emigrants under agreement to work off those advances in this country, it would place them in an exceptional position as regards the rest of the community. He had described the bill very properly as establishing a coolie system.

**Hon. Mr. POPE** denied that it was anything of the kind. The bill merely provided that a man could be engaged abroad for certain work, and an advance be made to him on certain conditions, and when he arrived he would be in no worse position than a man hired here. He would be under the protection of the same laws and it was absurd to call it a coolie system. All the agents had reported that it was necessary some means should be devised of assisting emigrants. This was one mode of doing so, and in his opinion a very proper one.

**Mr. CURRIER** said that when men were engaged here for lumbering operations they were bound to carry out the agreement made, and he did not see why a similar system should not be adopted with regard to emigrants coming from the old country.

The item was then passed.

On the item for quarantine at St. John, New Brunswick,

**Hon. Mr. MACKENZIE** asked why there was a difference in the salaries of the physicians at St. John and Halifax.

**Hon. Mr. POPE** was not aware of the reason, but would find out.

**Hon. Mr. ANGLIN** said that at St. John it was necessary for the physician to reside on the Island, and no one could be got to do the work for a smaller salary.

**Hon. Mr. MACKENZIE** did not see the necessity for his residing on the Island. The physician at Halifax did not do so.

**Hon. Mr. ANGLIN** said the quarantine establishment was there, and it was necessary. He, however, considered the allowance for boat service excessive. It did not cost one-third of the amount, and was only an excuse for supplementing the salary.

**Hon. Mr. GRAY** maintained that residence on the Island was necessary. As to the boat service, the amount was not excessive, as owing to the rapidity of trade, it was necessary to have more persons employed than at ordinary places.



**Hon. Mr. TILLEY** said it was rather a luxury to have a discussion arise showing that New Brunswick received more than Nova Scotia. The reverse was usually the case. (*Laughter.*) The salary was not excessive, and he did not think that the amount for boat service was too large. It was necessary, he thought, to employ two boatmen, and they had frequently to go out three or four miles to board vessels.

The item was carried.

On the item to meet expenses of further precautionary measures for the public health,

**Hon. Mr. POPE** said, in view of the possibility of cholera, this amount had been put in the Estimates; but if the money was not wanted not a dollar would be used.—Carried.

On the item for grants in aid of the Provinces towards encouraging emigrants,

**Mr. YOUNG** wished to know how the amount was to be divided among the different Provinces.

**Hon. Sir FRANCIS HINCKS** said this matter had been determined at a conference held at Ottawa, at which all the Provinces of the Dominion were represented, and it was determined to divide the \$70,000 as follows: —\$25,000 to Ontario; \$20,000 to Quebec; \$10,000 each to Nova Scotia and New Brunswick; and \$5,000 to Manitoba.

**Hon. Mr. ANGLIN** charged the Government of New Brunswick with using the money voted to aid emigration for political purposes, in that they made overtures to Mr. Gough, the Leader of the Opposition, to accept the emigration agency, telling him he was the best man they could get, and he having declined, the agency was offered to his father-in-law, Mr. Macpherson, a gentleman in reduced circumstances, who was compelled to accept the office, and went to England, but, to the surprise of many, he returned in time to take his seat in the Legislature. His expenses were of course paid by the Province, but no one could say that he had done any good by his mission.

**Hon. Sir FRANCIS HINCKS** said it was understood that the Government of New Brunswick should receive \$10,000 on condition that they would give an equal sum to promote emigration.

**Hon. Mr. SMITH (Westmorland)** thought it ungenerous and unkind of the hon. gentleman to make charges against the Local Government when none of them were in the House to defend themselves. Mr. Macpherson, to whom reference had been made, was not a man capable of being bought off, nor was he reduced to poverty as stated. He (Hon. Mr. Smith) had no doubt that he went to England for the remuneration; but he was a public man, and had represented the people for many years, and returned to his country and voted in the Legislature

against the Government that had sent him there. Surely it could not be said that that man had been bought.

**Hon. Sir FRANCIS HINCKS** was sure that the Emigration Conference had benefited the best interests of each and every Province in respect of emigration.

**Mr. BOLTON** agreed with the remarks of the member for Westmorland (Hon. Mr. Smith). He happened to be in the Legislature when the emigration agent returned, and a member of the Government challenged him to state, if he could, that he had been influenced by the Government and in his place in the House. He (Mr. Macpherson) stated that he had not been influenced or approached in any way by any member of the Government.

**Hon. Mr. ANGLIN** called the attention of the House to a speech made by him last session, in which he denounced the appointment of a member of the Legislature as a census commissioner, the appointment being cancelled before the meeting of the Local House.

**Hon. Mr. CHAUVEAU** corroborated the statement of the Minister of Finance (Hon. Sir Francis Hincks) that the emigration conference had been beneficial to the Provinces. It was agreed that a subsidy should be placed at their disposal by the Federal Government to enable them to enter with more energy into the matter. He thought the little squabble just indulged in by the members from New Brunswick was excusable after the fight by Ontario the previous night; but he warned the House that if provincial matters were to be so generally discussed Quebec would claim a debate, which he promised them should last three evenings and be conducted wholly in French.

**Hon. Mr. WOOD** argued from a constitutional point of view, maintaining that the Legislatures of the Provinces would be reduced to mere County Councils if the present course were continued, and advocating leaving the question of emigration to be dealt with by each Province.

**Mr. YOUNG** said the vote was practically increasing the subsidies to the Provinces, and might be made a precedent which might be abused in the future. He hoped such a vote would not be asked another year.

**Mr. MILLS** concurred in the remarks of the member for Brant South (Hon. Mr. Wood) in regard to the constitution and the rights of the Provinces.

**Mr. PICKARD** regretted that the matter had been brought up. As regards Mr. Gough, he had settled that matter by a letter over his own signature, to the satisfaction of nineteen-twentieths of the whole population of New Brunswick, and his last letter still remained unanswered. He believed then, and believed now, that a better man for an emigrant agent than Mr.

June 4, 1872

Gough was not to be found in the Dominion. He knew Mr. Macpherson well, and knew him to be above being bribed.

The item was then carried.

On the item for assisting in meeting expenses of emigrants,

**Hon. Mr. ANGLIN** asked for some explanations.

**Hon. Mr. POPE** said there was considerable expenditure in this country for railway fares and food, and then the cost of advertisements and printing and distributing information was heavy, and he had estimated \$30,000 under that heading. Passenger companies in Great Britain were in the habit of receiving commissions from the Grand Trunk and American railway companies, to induce emigrants to go as far as they can over their roads, and he hoped to counteract that, at least to a certain extent, for which he had estimated \$10,000. The balance was to assist emigrants in paying their passages and other expenses.

He felt the responsibility, and would not spend the money if it were not required. There were strong influences against emigration from home this year; but still they were told that something could be done if they would assist pecuniarily.

**Hon. Mr. MACKENZIE** said the House would support no item more cheerfully than this. There were many difficulties in the matter, and he did not desire to be too exacting in pressing for particulars as to how the money would be spent. He hoped that, from the expenditure proposed by the Provincial and Dominion Governments, a large emigration would result. He gave his earnest support of the item.

**Mr. CARTWRIGHT** asked Mr. Pope whether he had given attention to emigration from Norway and Germany. A very valuable emigration for the North-west might be attracted from these countries.

**Hon. Mr. POPE** said there were agents there and there would be a large number of emigrants from these countries. The fares from them would be reduced as from Ireland, and emigrants would receive free land grants in the Northwest.

**Mr. BOLTON** thought the emigration office at London inefficient, and asked whether the local or Dominion governments supplied information to that office. A short time ago he was in London and found that the office was altogether without proper information respecting Canada. He was also told that it was understood the Deputy Minister of Agriculture was averse to emigration, and if it was not correct the impression ought to be removed. He thought it very important that proper information should be supplied.

**Hon. Mr. POPE** said the office had been supplied with some millions of pamphlets. There was a special pamphlet for Manitoba, and another would shortly be sent for the North-

West, and the London agent had instructions to distribute those pamphlets as far and widely as possible.

**Mr. OLIVER** asked whether the Minister of Agriculture intended to assist Miss Rye and Miss Macpherson.

**Hon. Mr. POPE** said the Local Government were doing so.

The item was passed.

On the items connected with the Intercolonial Railway,

**Hon. Mr. LANGEVIN** said it was intended to have a branch line to Father Point, where there would be piers constructed, so that steamships from Europe might there land their passengers and baggage, and emigrants and mails, so that they could there be distributed east and west. Engineers had carefully examined the different places on the lower St. Lawrence, and reported that Father Point was by far the best for the purpose. There was deeper water, and less work would be necessary in making piers and basins.

**Mr. JOLY** hoped the government would ascertain definitely the best point. A great amount had already been spent on different points on the lower St. Lawrence, amounting to over \$1,000,000, while the revenue was comparatively small. The wharves were built in the best possible manner, but could scarcely be used at low water, and therefore, recognizing the necessity of the matter, he hoped the only subject would be to choose the best point for the purpose.

**Hon. Mr. LANGEVIN** said the intended work was for summer navigation and not for winter accommodation. The Government was paying every attention to the matter, and fully recognized the necessity of having the best point for a harbour, which, if possible, could be reached all the year round. They had not sufficient information to enable them to decide.

**Mr. THOMPSON (Haldimand)** referred to the item for engines, and asked whether it was for new or second-hand engines.

**Hon. Mr. LANGEVIN** said it was for new engines.

**Hon. Mr. ANGLIN** asked whether rails were being supplied as rapidly as required.

**Hon. Mr. LANGEVIN** replied in the affirmative, and said the standing of the contractors was such that they would not fail to carry out their undertaking.

The Committee rose and reported the resolutions adopted.

It being six o'clock the House rose.



## AFTER RECESS

### CANAL IMPROVEMENT

**Hon. Mr. LANGEVIN** rose to move the House into committee on certain resolutions in relation to the enlargement of the Dominion Canals.

1. *Resolved*, That in the Resolutions adopted by the eighth Provincial Parliament of Canada, on which is founded the Address to Her Majesty praying for the Union of the British North American Provinces, it was affirmed that the improvements required for the development of the trade of the Great West with the sea-board were of the highest importance, and it was declared that they should be prosecuted at the earliest possible period that the state of the finances would permit.

2. *Resolved*, That the time is now arrived when the financial and material conditions of the Dominion require and warrant a thorough and comprehensive improvement of the Canal System of Canada, sufficient to accommodate the growing trade and commerce of the Country, and to give greater facilities for through traffic and the carrying trade of the Dominion.

3. *Resolved*, That this House is of opinion that the Government of Canada should at once proceed with the improvement and enlargement of the Dominion Canals, to the dimensions and capacity recommended in the Report of the Canal Commission laid before the House during last Session.

4. *Resolved*, That taking into consideration the value and volume of the trade between the Inland and Maritime Provinces of the Dominion, this House is further of opinion that the construction of a canal by which sea-going vessels may pass from the Gulf of St. Lawrence to the Bay of Fundy, without breaking bulk or making a long and often dangerous voyage round the coast of Nova Scotia, is of national importance and should be proceeded with without delay.

He said that, when Confederation was initiated, it was agreed among the four Provinces that, when the finances permitted, the Government would propose canal enlargement. The Government thought that the time had arrived, and that Parliament might be asked to undertake these large works. The position of the country required that these works should be undertaken. The population of Canada, which in 1851 was 2,320,000, had now reached 3,500,000. This large increase had been accompanied by a corresponding increase in the trade of the country. The exports, which during the first year of Confederation, 1867-68, were \$55,500,000, had, in the following year, increased to \$60,000,000; in 1869, to \$73,000,000, and were now \$74,173,000. On the other hand the imports, which in the first year of Confederation were \$73,500,000, had increased in 1871 to \$96,000,000. The revenue of the country too, which in the first year of Confederation was \$13,687,000, in the second year, \$18,200,000, and in the third year, \$15,500,000, had increased in 1870-71 to \$19,300,000. This large increase in the imports and

exports, and in the revenue of the country, showed the progress that had been made since the union five years ago.

Besides, the territory comprised in the limits of the Confederation of 1867, had now been extended so as not only to embrace the Province of Manitoba and the North West, but also a country reaching the shores of the Pacific. This large territory, he confidently expected, would by its wealth and the richness of a large portion of its soil, and immense resources, attract a large emigration, and thus largely contribute to the revenue of the Dominion. The population thus created would necessarily cause a great trade to spring up, a large portion of which must flow to the east, and thus form another reason for the enlargement of our canals.

If we turned our eyes in another way, and looked at the manufacturing resources of the country, we should see that, on all sides, there was prosperity; that all the Provinces were rapidly developing their resources, and that new lines of railway were extending in every direction and opening up new territory. But we had beyond our own border what was called the Far West, the trade of which must, to a great extent, find its outlet through the Dominion to the Atlantic Ocean. The Canal Commissioners last year, speaking in their report on which subject, had said: "In the year 1841, just thirty years ago, the gross value of the trade of the lakes was estimated at \$65,000,000. Ten years later it had more than quadrupled, for it was put down in 1851 at \$300,000,000, employing 74,000 tons of steam and 138,000 tons of sailing vessels; whilst at the present time the aggregate value of this same commerce cannot be less than \$700,000,000. The tonnage of the lakes in 1851 was, as already stated, not above 212,000, whereas in 1861 it had risen to 450,000 tons, of which above 80,000 tons was Canadian. In 1864 the tonnage was about 547,267, valued at \$17,537,440 in American currency."

He read this paragraph to show the immense trade of the lakes, even if we confined ourselves only to the States of Ohio, Michigan, Indiana, Illinois, Iowa, Wisconsin and Minnesota. The quantity of wheat grown in these States had risen between the years 1850 and 1869 from 43,000,000 bushels to 150,000,000; of corn from 220,000,000 to 526,000,000 bushels, and of oats from 420,000 to 146,000,000 bushels. These figures showed what an immense produce there was to be moved to the seaboard. What an immense trade there would be if we only did our share to direct it through this country.

It was necessary to secure that trade if we wished to maintain our position, if we wished to maintain our importance as a state on this continent, and if we wished to obtain the same advantages from it that the United States had been reaping for a number of years. It was true that the St. Lawrence was a magnificent river, but that river could not carry the trade of the West unless we improved our canals. We knew full well that these canals were too small to allow the passage of large vessels. We knew also that in the Erie Canal, in the Mississippi, and in the railways of the United States we had powerful rivals to the traffic and unless we did what nature required

June 4, 1872

us to do we must see trade, which should pass through this country, continue in channels which were not natural channels of trade.

What the Americans were doing with regard to the Erie Canal showed how anxious they were to keep the trade of the West. Not longer than two years ago they had reduced the tolls fifty per cent, and it was only quite recently that the Legislature of the State of New York had offered a premium of \$10,000 for the best mode that could be suggested for steam power on that canal, in order thereby to facilitate the trans-shipment of goods. The dimensions of the locks on the Erie Canal were 110 feet by 18 feet, the depth of water being 7 feet. If these figures were compared with the dimensions of the proposed locks on our canals, 270 feet by 45 feet, with an extra depth of water of 12 feet, it would be seen that the improvement would revolutionize trade, and make the St. Lawrence what the father of one of his hon. colleagues had said it was destined to be—the great highway of this continent.

Perhaps they would bear with him if he laid before them a few facts showing the magnitude and growth of the trade on the lakes. He had caused a number of statistics to be compiled for this purpose, and he had consulted the best authorities in order that he might be able to lay before the House reliable figures. At the five western lake ports of Chicago, Milwaukee, Toledo, Detroit, and Cleveland, in 1871, the receipts of flour, reduced to grain, were 141,000,000 bushels; the receipts by lake, not by railway, at Buffalo were in 1871, 67,000,000; whilst the quantity that had passed through at Port Colborne was 225,000,000. These figures showed the magnitude of the trade.

Let them now look at the growth of the trade at Buffalo, Oswego, and Montreal. At Buffalo the receipts were, in 1860, 47,000,000 bushels; in 1865, 51,000,000; in 1869 it was 45,000,000 bushels; and in 1871, 63,000,000. At Oswego the receipts were:—in 1860, 70,000,000; in 1865, 12,000,000; in 1869, 30,000,000; and in 1871, 14,250,000. At Montreal the receipts were:—in 1860, 6,750,000; in 1865, 8,000,000; in 1869, 12,300,000; in 1871, 16,000,000. These figures show that the trade at Montreal had been constantly increasing, the proportion of increase being much larger than at Buffalo. He did not take Oswego in the comparison, because at that port there had been a large decrease.

They showed too that the St. Lawrence was, year by year, more appreciated, and that the trade of the West had only to be fostered and encouraged by giving to large lake vessels the means of transferring grain to ships at Montreal, in order to divert a large portion of the trade into this route. The receipts of grain at the five lake ports he had mentioned, for the last four years were as follows:—in 1868, 109,000,000 bushels; in 1869, 118,000,000; in 1870, 111,000,000, and in 1871, 141,000,000, making an increase in three years of about forty per cent. After showing the magnitude of the trade, it was proper that he should point out the profits earned by the

carriers. The total receipts for freights on the New York canals for the last thirty-five years amounted to \$227,000,000; the total freight to carriers for the same period amounted to \$122,000,000, showing a balance of profit in favour of the State of \$105,000,000. The total tolls and freights on the State canals in 1871 were \$10,750,000, of which not less than \$7,600,000 went into the pockets of the carriers.

These figures told their own tale; but the effect would be more striking when the revenue was compared with the cost of constructing the canals. The Erie Canal had not only repaid its first cost and all the subsequent outlay upon it, but it had nearly paid for all the other State canals beside those which New York had now, about 900 miles, costing over \$100,000,000.

One reason why the Erie Canal had an advantage over us was that the large vessels employed on the Lakes could carry a much larger cargo to the western terminus of the canal, where rapid means of trans-shipment made up for loss of time caused by the length of the canal. These large vessels, which were admitted on all hands to be able to carry four times as much as the smaller vessels that passed through our canals, did not cost for their maintenance anything like a sum proportionate to their size, and they required hardly more to run than the smaller vessels, and the cost being so little, and divided on a smaller cargo, the trade must necessarily be carried on with a larger profit. A single inducement was, therefore, given to carry the trade through the American route instead of the Welland Canal and the St. Lawrence. Let us enlarge our canals and the result would be quite different.

He wished now to read a few short extracts to show the American opinion on this subject of the enlargement of our canals. They fully appreciated its importance and the effect it would have upon their trade. The House would remember that a ship canal around Niagara Falls to be a rival of the Welland Canal had been spoken of more than once, but it had never been realized, and if he could put faith in public documents published in the United States the reason of the failure of that great undertaking was that they believed that the building of the canal would necessarily deviate the trade from the American canals into the St. Lawrence by way of Montreal.

He read extracts upon this point from the “memorial as to the proposed Niagara Ship Canal, the course of commerce on the lake, &c.,” in which the danger to the trade of the New York canals was dwelt upon in case the Niagara Ship Canal should be built, or the Canadian canals enlarged.

He then proceeded to give some particulars respecting the trade of the Welland Canal. In 1870 the tonnage of steamers passing through the canal was 264,000 tons, and in 1871, 396,000 tons; and the tonnage of sailing vessels in 1870, 408,000 tons and in 1871, 355,000. This showed that the tendency was to replace sailing vessels by steamers. In the



total tonnage, however, it would be seen that in 1871 there were 80,000 tons more than in the year previous. Taking the tonnage of vessels and goods together he found that in 1849 it amounted to 820,000 tons; in 1863, twenty years later, it was 2,500,000 tons, while in the same space of time the trade increased twenty per cent. Confining themselves to the trade from the West, the number of tons in 1870 was 876,000, and in 1871, 962,000, showing an increase of 100,000 tons.

At the same time he desired to correct an erroneous impression which existed about the tonnage of American vessels as compared with that of Canadian vessels going through the Welland Canal. It had been stated that the average Canadian tonnage was 424 tons, and the average American 392 tons. He referred to steamers only. During the last four years the number of vessels that had passed through the Welland canal had been as follows:—in 1868, 6,157; 1869, 6,159; 1870, 6,740; 1871, 7,729. During these years the tonnage was:—in 1868, 1,148,000; 1869, 1,267,000; 1870, 1,367,000; 1871, 1,554,000. It would be seen that the trade was increasing rapidly; but the canal was too narrow, not deep enough, and too small in every way, and it must be enlarged.

The motion he had to propose and which was in the hands of the hon. members applied to the Welland Canal, the St. Lawrence Canal and the Baie Verte Canal. The intention was to give the Welland Canal the dimensions recommended by the Canal Commissioners; the locks would be 270 feet in length, forty-five feet in depth, with twelve feet of water on the sills. As to the St. Lawrence Canal, the Government intended to give them the same dimensions, but there might be difficulties in the matter, and he could not say positively that twelve feet of water could be obtained without a much larger expenditure than the House might wish; but the question was being enquired into, and in any case ten and a half feet would be obtained and he hoped proper examination would show that the St. Lawrence Canals could have the same dimensions as the Welland.

The dimensions of the Baie Verte Canal would not be the same. It was proposed that in the case of that canal the locks should be 270 feet by forty, with fifteen feet of water. Questions as to the different canals would come up separately when the votes were asked and he had no doubt the House should be satisfied from the explanations he would be able to give, that the undertaking would be prosecuted with vigour without loss of time, and without endangering the finances of the country. He then moved the House into Committee to consider the resolutions, and stated that he had His Excellency's consent to his doing so. The hon. gentleman was cheered on taking his seat.

**Hon. Mr. MACKENZIE** asked whether it was the intention to provide for the trade being conducted by barges towed from the western lakes through to Montreal.

**Hon. Mr. LANGEVIN** repeated that the Welland Canal would be enlarged to the dimensions recommended by the Canal Commissioners and that the Government intended to do the same

for the St. Lawrence Canals; but they could not pledge themselves to give immediately the full amount of twelve feet of water in the St. Lawrence Canals, because they were not sure that such a depth could be obtained without a larger expenditure than the House would sanction, but they would promise that ten and a half feet would be obtained.

**Hon. Mr. MACKENZIE** said the conclusion had been growing in his mind that it was next to impossible to make it a profitable business to take large vessels down the St. Lawrence, and more so to take them up. It was very fine to speak of bringing ships from Europe to the farthest end of the lakes; but while it might be possible to do so, he did not think it would pay.

He thought the proper course would be to make the Welland Canal available for large barges, in which the great bulk of the trade would be done in the future, with a trans-shipment at Kingston and another at Montreal. He believed the business would be done more cheaply in that way, and the grain would be benefited by the trans-shipment. He believed it would be very difficult to get twelve feet of water in the St. Lawrence; it would be almost impossible to obtain that depth of water in the lake harbours until the Government undertook the very serious business of incurring a large expenditure in order to obtain that depth of water.

He could not but think that the width proposed for the locks, forty-five feet, was rather small, and that it should be made fifty-five feet. He referred to the American canal at Sault Ste. Marie, the breadth of the locks there being seventy feet, and said it afforded great facilities to have the locks of such dimensions; and it was a question whether it was not desirable to make the Welland Canal where they might have locks of such a breadth as to allow more than one vessel to pass at a time; for if that could be done a larger business could be done at a smaller cost. He did not pretend to have studied the matter technically, but the question ought to be very carefully considered.

The works would be profitable, not so much from the amount of tolls as from the inducement to merchants to invest largely in vessels engaged in the carrying trade in bulk from Chicago to Montreal, and as promoting a vast traffic by the St. Lawrence that would enable them not only to carry a vast proportion of the trade of the West to the Atlantic, but also to carry a great portion of the merchandise for Chicago and other western cities from Europe. In order to accomplish these objects effectually and in order to avoid the blunders that were committed in earlier days when Canada did not anticipate the traffic of the West, it would be a pity indeed that they should again commence the enlargement of canals, and do it on a scale not commensurate with the trade proposed to be accommodated for many years to come.

With regard to the St. Lawrence, he had been informed that in some parts of the rapids there was only a depth of five or six feet. That water was, no doubt, unusually low, but if his information was correct in that respect, and also in respect of the nature of the entrance to the Beauharnois Canal, an immense amount of

June 4, 1872

submarine blasting would be necessary to obtain even 11.5 feet. He scarcely thought it either advisable or possible to obtain the same depth of water and the same accommodation for large vessels in the St. Lawrence Canals as would be obtained in the western waters, but the matter could be fully discussed, and with the opinion of the engineers of the department and other scientific men, they would be able to come to some conclusion that would enable them to adopt such measures as would prevent anything like regrets in the future.

He was disposed to give every assistance in regard to these great national works, believing that the prosperity of the country very much depended on them; but they must remember that they were doing it to accommodate the trade of the Americans, and to give them facilities in reaching the sea that they had not and could not have on their own territory. They could, of course, have a canal round the Niagara Falls, but there was no fear of their making it as long as the State of New York was interested in the canal from Buffalo to Albany.

**Mr. SHANLY** considered it to be of the highest importance to make the Welland Canal sufficiently large to accommodate large vessels, and to remove the only barrier that lay between the two lakes. He was not, however, in favour of the proposed enlargement of the St. Lawrence Canal. Trans-shipment would always take place at some point at the foot of Lake Ontario, as it would be found that the river work could be done more cheaply by barges than by steamers. He was fully satisfied that the St. Lawrence canals, as they now were, could do in time the barge work that they had hitherto done.

He believed that those who advocated the deepening of those canals to twelve feet had no idea of the cost of such a project. We would not only have to enlarge those canals but large stretches of the river would have to be deepened and the cost would be larger than most persons had any idea of. He, therefore, thought that the enlargement of the Welland Canal should be first proceeded with, deferring the St. Lawrence canals until we saw how much trade it would bring through them.

With regard to the dimensions of the locks recommended by the Canal Commission, he also agreed with the member for Lambton (Hon. Mr. Mackenzie) to a certain extent, only he thought that a width of fifty feet would be sufficient. He did not approve of the system of locking two vessels at the same time; he would rather look forward to the time when double locks could be constructed to accommodate vessels ascending and descending on the same plan as on the Erie Canal in New York.

He concurred in the general features of the report. He would go as far as to say that the Welland Canal ought to be deepened to 13 feet; at all events it ought to be placed in a position to receive the largest vessels that leave the harbour of Chicago. He believed that the present low state of water in the St. Lawrence was exceptional, and that a depth of nine feet in the canals could generally be relied upon.

**Mr. JONES (Leeds North and Grenville North)** said this question had long occupied the attention of the people of this country, and various attempts had been made to arrange some satisfactory system. Attempts had been made to secure reciprocity from the United States with regard to the enlargement of the Canals, but they had failed. The enlargement would be of some advantage to the commercial and business men of the country, but would be of no advantage to the great agricultural classes. It would be chiefly for the benefit of the western states, and while we were shut out from the American market the produce of the western states would be brought into competition with the products of our own farmers in the European market, the only market open to them. We ought to pause, therefore, before incurring a large expenditure for enlarging the canals chiefly for the benefit of the people of the United States. Our canals were quite sufficient for our own people.

**Mr. WORKMAN** said although he would have desired that this measure had been brought up earlier, he was glad to find that the Government had adopted large and extensive views. At the same time he agreed to a considerable extent with the remarks of the hon. member for Grenville South (Mr. Shanly). He believed that the enlargement of the Welland Canal should first engage the attention of the Government. The St. Lawrence canals were sufficient for all the business done upon them. The trade was now done principally in barges drawing about eight feet of water, and one small steamer could take four or six of these barges at once. The trans-shipment of grain into these barges at Kingston and other ports greatly improved it. Our route had a great advantage in this respect over the river route, as from the length of the latter route and the warmth of the water in the canal, the grain was injured. The trans-shipment of the grain and its passage through our cool waters, kept it in good condition.

By the enlargement of the Welland Canal he thought we should secure the whole carrying trade of the North-West. As to the Baie Verte Canal, he had been informed that its construction would involve an expenditure of ten or twelve millions of dollars, and that it was almost an engineering impossibility. It was an important work, and he would not object to its construction if it were feasible and could be done for a reasonable amount, but if it was only throwing so much money into a mud-hole, the expenditure could not be justified, and he thought the Government should be very cautious and not rush into it without due consideration.

**Mr. GRANT** spoke of the great importance of the question, and referred to the high position of Great Britain as being in consequence, partly, of the magnitude of her harbours bringing her in contact with the outside world. He spoke of the growth of New York, Quebec, Montreal and Ottawa as being attributable to their position on rivers. He believed that those who occupied seats on the Ministerial benches had the advancement of the country at heart and the placing of the



canals on such a basis as would ensure the commercial prosperity of the country. He referred to the Treaty of Washington, and said he believed all barriers and restrictions on trade would be broken down. He referred to the increase of population throughout the provinces, and hoped that Nova Scotia would be able to send up her coal and fish, and take down fabrics and grain in return. The canal system of the Dominion only dated back for some fifty years and what had been accomplished was creditable to the country. He scarcely believed in opinions that had been eloquently expressed that vessels would come from Europe and be able to ascend to the lakes, as the barge system had now been introduced.

He regretted that the river Ottawa had not received a greater share of attention at the hands of the Canal Commissioners, as he was quite sure it would ultimately become a great source of revenue from trade, and every value be reduced to meet the growing requirements of the country. As to the Baie Verte Canal, he believed its construction would be of the greatest possible advantage in building up commercial connection between the different provinces. He thought they should endeavour by every means to develop the resources of the several Provinces. The enlargement of the Welland Canal would no doubt be a great advantage to the Americans, and he trusted they would look at it in that way, and that there would soon be reciprocity again. He believed the Washington Treaty had got in the small end of the wedge, and he believed the men who had accomplished the Treaty would also accomplish reciprocity.

**Mr. STREET** said the Minister of Public Works (Hon. Mr. Langevin) had not made any specific proposition but merely asked the House if it was desirable that the canals should be enlarged. They had already had various opinions as to the best mode of carrying their produce to the sea, but he had no doubt the Government would be fully advised before proceeding with the work. All agreed that the waters of Lake Erie and Lake Ontario should be united, and in order to accomplish that the Welland Canal should be enlarged. It had been said that the enlargement of the Canadian canals would be to the benefit of Americans and enable them to compete in the English market, but the object should be to make the canals valuable and profitable. The Americans could get their produce to Liverpool without the use of our canals, and so long as Liverpool was the best market, they would send their produce there whether through Canada or not.

A most important matter was the size of the locks, and he hoped the government would give that matter their most earnest consideration. He was glad to find that they had taken the substantial step of coming down to the House and asking if it was desirable that the canals should be enlarged. He would leave the matter in the hands of the Government to proceed with on obtaining competent engineering advice.

**Mr. MERRITT** congratulated the Ministry on being in a position to announce their policy in reference to the canals. If

the Welland Canal were enlarged to admit vessels now trading to Buffalo a large portion of the trade now done at that place would pass through the Welland Canal to Montreal. He instanced a case of a vessel built by himself, which would only carry 3,500 barrels of flour, whereas if the canals were deepened two feet the same vessel would carry 7,000 barrels. He thought the Government had wisely decided as to the size of the locks, and hoped they would push the work forward.

**Mr. MASSON (Soulanges)** had been one of the first to advocate the enlargement of canals, and was pleased with the manner in which the Government had taken the matter in hand. He referred especially to the report of the Canal Commissioners in regard to the Beauharnois Canal, and argued that it would be cheaper to build a new canal on the north shore than to enlarge the canal, owing to the engineering difficulties to be encountered.

**Mr. ROSS (Dundas)** said, as it was generally conceded that the Welland Canal should be enlarged so as to accommodate the trade of the West, it became necessary for us to make perfect facilities for the conduct of that trade to the seaboard. He had been informed by forwarders that our locks had sufficient width, but lacked length; what they desired was a capacity of lock sufficient to take a vessel with 40,000 bushels of grain. He thought that a depth of ten feet would be sufficient, with a length of 270 feet.

**Mr. RYAN (Montreal West)** desired to correct the statement of the hon. member for Lincoln (Mr. Merritt), when he said he was at a loss to know why the member for Montreal opposed the deepening of the canals. He was not opposed to it. The trade of the West was increasing; and if we afforded the necessary facilities there would be no limit to it. The Government deserved great credit for their scheme, which he was sure would meet with the approval of the people both east and west. If the scheme were carried out, he thought the trade would increase to fifty millions of bushels in ten years. As to the Baie Verte Canal, if the Government found that it was practicable he was sure they would receive the support of the country in constructing a work of so much importance to the Dominion.

**Mr. McCALLUM** thought that the width of 45 feet to the locks would be found amply sufficient. At the same time if the Government thought proper to make them wider it would add but little to the expense but to construct them so as to lock three or four vessels at a time, would not be beneficial. A depth of ten feet, he contended, would accommodate any vessel navigating the inland waters of this country. He advocated the construction of additional elevators at Kingston. The want of such additional accommodation and the lowness of the water last year had materially reduced the business of the Welland Canal. He was glad that the hon. member for Lincoln (Mr. Merritt) agreed with him that steam vessels were superseding sailing vessels on the lakes. He (Mr. McCallum) had no doubt that in a few years the trade would be conducted altogether by steam vessels with

June 4, 1872

barges in tow.

As to the Welland Canal, there would be no difficulty in getting twelve feet of water. He took exception to the report of the officer who was sent by the Board of Works; contending that the cost of the rock cutting at Port Colborne harbour would be much greater, and the time required to perform the work much longer than as stated in the reports. He pointed out that it would save both time and money if instead of enlarging the Port Colborne end of the Canal the feeder to Port Maitland were made use of as the main channel. He trusted the Government would take this matter into consideration and have further surveys made before a final conclusion was determined upon.

The same engineer, whose report he held in his hand, had recommended the construction of a breakwater at the east side of Port Colborne harbour, 2,000 feet long. The prevailing winds, however, were from the west during the season of navigation, and instead of a breakwater at that point being of any real service, it would seem to be a catch water, and would destroy the harbour. If the Government should undertake to make a large expenditure for the improvement of Port Colborne harbour, even if a million were spent on the work, he believed it would be money in a great measure thrown away. He hoped the Government would not, therefore, act in this matter without making further inquiry, for the result of making a large expenditure on that point would be only to show that a serious mistake had been made. He warned the Government now in time, and trusted heed would be given to the warning.

The House then went into committee, **Mr. SCATCHERD** in the chair. The resolutions were adopted without amendment, and the committee rose and reported.

**Hon. Mr. MACKENZIE** hoped the hon. gentleman intended to give some further information in regard to the Baie Verte Canal before proceeding further with his resolutions.

**Hon. Mr. LANGEVIN** said that it would be more convenient to the House if he gave full details when the item of Supply came up for consideration.

**Hon. Mr. MACKENZIE** assented.

The resolutions were then read a first and second time.

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## SUPPLY

On the motion of **Hon. Sir GEORGE-É. CARTIER** the House again went into Committee of Supply upon the understanding that if the House was thin no items should be pressed, to which there was no objection—**Mr. STEPHENSON** in the chair.

On the item of \$14,000 to aid in the construction of a branch railway from the Acadian Iron Mines, Londonderry, Nova Scotia, to the Intercolonial Railway,

**Hon. Mr. LANGEVIN** read an Order in Council that had been passed upon the subject, showing that the Government had imposed very stringent conditions on the Mining Company which was to construct the foundation of the road, the Government providing the rails, ballast and spikes, and undertaking to work the road when completed.

The item was passed.

On the item of \$200,000 for improvement of the River St. Lawrence between Montreal and Quebec,

**Hon. Mr. MACKENZIE** asked if it was the intention, as he saw by a notice in the papers, to levy a tax to meet that expenditure.

**Hon. Mr. LANGEVIN** said the Minister of Finance had given notice to that effect.

The item was passed.

On the item of \$110,000 for the North Shore Railway,

**Mr. BOLTON** said it was extraordinary this road should cost \$100,000 every year over and above its earnings. The working expenses amounted to 99 per cent of the receipts, a percentage unexampled on any railway in the world. Its gross earnings were \$400,000 and yet all that had been spent and \$100,000 more.

**Mr. COFFIN** did not understand how these railways should cost more every year to run and keep them in order than the receipts. From the fact that it had so greatly discouraged railway enterprise in Nova Scotia, he believed the Government should increase the tariff of charges in order to bring the income up to the expenditure.

**Mr. BODWELL** thought it would be better to sell them for what they would fetch altogether to any company that would buy them.

**Hon. Mr. LANGEVIN** said that the line from Halifax to Truro was a portion of the Intercolonial, and he did not suppose the hon. gentleman would propose to sell that. There was no doubt that when the Intercolonial was finished the Government would have to take into consideration the administration of these railways or hand them over to an independent company. It must be remembered, however, that the experience of private railway corporations in Nova Scotia had not been very promising. The chief reason why the roads had lost so much was that they had been in a very bad state of repair when they passed into the possession of the Government, and between Halifax and Truro there were curves which greatly increased working expenses.

As regarded the tolls charged, he had compared them with the tolls on the New Brunswick Railways and found there was very little difference between them. It was necessary to put the road in good repair in view of the increased traffic which would pass over it when the Intercolonial Railway was completed, and this was the reason why the sum in the Estimates was required. The traffic was increasing and upon the year there would probably be a total increase of \$15,000. The item then passed.



On item \$99,250 for the European and North American Railway,

**Hon. Mr. ANGLIN** asked if the sum of \$49,750 included in this vote was sufficient to provide rolling stock for the additional traffic done on the road.

**Hon. Mr. LANGEVIN** said the amount was what the Superintendent of Railways had asked. There was a great want of rolling stock which item had not passed the House; he had advertised for tenders, and if the vote was passed tonight he would give the order at once for what was necessary. The item passed.

On the vote of \$70,000 in aid of the temporary water supply of the Welland Canal,

**Hon. Mr. LANGEVIN** explained that the Canal would have to be deepened. Item carried.

On the vote of \$10,000 for Témiscouata, Matapédia, and Huntingdon and Port Lewis military roads,

**Hon. Mr. MACKENZIE** demurred to the proportion for the first-named road, as it was not a military road. Item carried.

On the vote of \$165,000 for planks and working expenses of the Red River road,

**Hon. Mr. MACKENZIE** objected to the plan adopted by the Government for the construction of the road. He thought it would have been built cheaper by a company. Item carried.

On the item of \$644,000 for public buildings,

**Hon. Mr. MACKENZIE** said that was no answer to his question. What he desired to know was, what was the policy of Government in this matter? If it was their intention to erect \$12,000 buildings wherever \$5,000 was collected, he wished to know why, if such was the case, the town where he (Hon. Mr. Mackenzie) came from, for instance, where eight or ten times the revenue of Trois-Rivières was collected, should be neglected.

**Hon. Mr. TILLEY** said in the case of Pictou the revenue derived justified the expenditure; the policy of the Government was to give buildings in towns where the revenue was considerable, and the population was from 10,000 upwards.

**Mr. CARMICHAEL** said the buildings in Pictou were totally unfit for the public service.

**Hon. Mr. MACKENZIE** said the revenue of Pictou amounted to some \$34,000, which was no doubt pretty large, but the revenue of Sarnia on customs alone amounted to nearly as much. There should be some system in this matter.

**Hon. Mr. ANGLIN** said if they entered upon this system of putting up public buildings in small places, it might be extended indefinitely, and a very extravagant system of expenditure would be inaugurated.

**Hon. Mr. MACKENZIE** said they could not really let those items pass without further explanations.

**Mr. BOLTON** referred to the vote of \$12,000 for the buildings at Trois-Rivières, which the Minister of Public Works (Hon. Mr. Langevin) defended as an economy in saving rent, etc. He (Mr. Bolton) observed the total cost of collecting \$5,000 of revenue last year was \$870, which was less than the interest on the expenditure on the building would amount to. He agreed with the Member for Lambton (Hon. Mr. Mackenzie) that some system should be adopted.

**Hon. Sir GEORGE-É. CARTIER** said the revenue from Lévis in Excise was immense. (*Laughter.*) Last year it amounted to \$13,000. (*Hear, hear, and Laughter.*)

**Hon. Mr. MACKENZIE** said he did not consider \$13,000 an increase.

**Hon. Sir GEORGE-É. CARTIER:** I do.

**Mr. STIRTON** said in Guelph they collected \$52,500 of customs revenue, and the business was all done in one corner of the Great Western freight shed. There were no complaints, but if this system was adopted of erecting buildings in small places it would have to be extended all over the country.

The items passed on the understanding that a full discussion would be allowed on concurrence.

The Committee then rose and reported, and the House adjourned at 1 o'clock.

June 5, 1872

## HOUSE OF COMMONS

Wednesday, June 5, 1872

The **SPEAKER** took the chair at 3.20 p.m.

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*Prayers*

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## MISCELLANEOUS BUSINESS

**Hon. Mr. LANGEVIN** presented a return to the address for the correspondence relating to the deepening of the Shippegan Gully.

**Mr. CHIPMAN** inquired whether the Government intended assisting the Windsor and Annapolis Railway Company, and if not, whether the Government would allow the road to be closed; secondly, whether the Legislature and Government of Nova Scotia had made an appeal to the Government in favour of assistance being granted to the Windsor and Annapolis Railway Company; thirdly, whether, in the event of the road being closed, the Government would be prepared to refund to Nova Scotia the million and a quarter of dollars contributed by the Province and the counties through which said road runs towards the cost of said road.

**Hon. Mr. LANGEVIN** replied that the Government could not do that without establishing a precedent sure to be invoked by other distressed companies; that the Government had under consideration what steps should be taken to protect the public interests in the event of the road being closed; that an Order in Council had been passed and transmitted by the Government of Nova Scotia which was now under consideration. The third part of the question was answered in the negative.

**Mr. CHIPMAN** enquired whether it was the intention of the Government to vote any money or construct any federal works this year at or near Scott's Bay, Well's Cove, Rosses Creek, Bennett's Cove, Black Hall, Baxter's Harbour, Hall's Harbour, Chipman's Brook, Canada Creek, Harbourville or French Cross Breakwater and the piers of the Bay of Fundy, or at Apple Tree landing, or Oak Point in Minas Basin in King's County.

**Hon. Mr. LANGEVIN** said that the estimates which had been brought down since this question had been placed on the papers, showed what the Government intended to do in that respect.

**Mr. BARTHE** moved for an address for the correspondence respecting the remunerations of persons employed at St. Ours lock.  
—Carried.

**Mr. CAMERON (Inverness)** moved the House into Committee on the bill to divide certain polling districts in the County of Inverness, and to provide for voters' lists therefore.—Carried.

The House went into Committee on the motion, **Mr. CHIPMAN** in the chair.

**Hon. Mr. MACKENZIE** said this was a bill affecting the general election law of the country, and he would like to know the view of the Government with regard to it. Would the Minister of Justice (**Hon. Sir John A. Macdonald**) move the six months' hoist as he said he would do with regard to all bills respecting the election law?

**Hon. Sir JOHN A. MACDONALD** said the object of the bill, as he understood it, was to increase the number of polling places in the country, the present number being too small to allow all the voters being polled in one day. He could not see that there was any ground of objection to it, but if there was, the bill might stand over on the question of concurrence.

**Mr. CAMERON (Inverness)** explained that the bill did not affect the general law, but was intended only to remove a local inconvenience. The bill was then adopted, and the Committee rose and reported, when the bill was read a third time and passed.

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## DANGEROUS WEAPONS

**Mr. O'CONNOR** in the absence of **Mr. HARRISON**, moved the second reading of the Act to extend the law as to the carrying of dangerous weapons.

**Hon. Sir JOHN A. MACDONALD** had pointed out certain necessary corrections of the bill to the promoter of it. It was necessary, for instance, to define what a loaded pistol was. It might be loaded with water or anything else. It required other amendments also, and he would suggest that this bill, and others standing in the name of **Mr. HARRISON**, should be referred to a professional Committee of five.

**Hon. Mr. MACKENZIE** said, if he understood the remarks of the Minister of Justice, he agreed to the principle of the bill, whereas on a previous occasion he had objected to it.

**Hon. Sir JOHN A. MACDONALD** said the bill went further than before, as it exempted constables from the operation of the act, gave power to magistrates to allow the carrying of weapons, and provided that persons in outlying districts could be exempted from its operation by proclamation.



**Hon. Mr. CAMERON (Peel)** thought it should be referred to a special committee of five before the second reading.

**Hon. Mr. BLAKE** said it appeared to him that bills amending the criminal law should not be introduced except by the Government. He had not considered any of the bills. It struck him that very dangerous consequences to the liberty of the subject might ensue from the proposal made.

**Hon. Sir JOHN A. MACDONALD:** Which bill is that?

**Hon. Mr. BLAKE:** The one providing for arrest by telegraph.

**Hon. Sir JOHN A. MACDONALD** agreed that the principle of the bill was wrong.

**Hon. Mr. BLAKE** said that the proposal of the hon. member for Peel (Hon. Mr. Cameron) was against the rules of the House as no bill could be referred to a select committee until it had passed the second reading.

**Hon. Sir JOHN A. MACDONALD** said it was not in his power to prevent the introduction of any bill, and when such a bill was before the House it must be discussed according to its merits. There was great merit in the bill before the House. The member for Toronto West (Mr. Harrison), who introduced the bill, was a gentleman of large practice, and had been largely engaged in criminal matters, and therefore might be considered an authority on such matters. That gentleman had told him (Hon. Sir John A. Macdonald) that he had the authority of the Judges of the Supreme Courts in saying that the improper use of firearms was greatly on the increase and called for prompt action on the part of the Legislature.

He thought the bill would have the effect of diminishing the practice of carrying firearms, and he pointed out that the bill introduced by the late Col. Prince making it a misdemeanour to carry slingshots, life preservers, bowie knives, &c., had a most marvellous effect on the country. When that bill was introduced, it had included revolvers; but it was thought that it went too far in that respect, and he (Hon. Sir John A. Macdonald) had remembered the principle laid down in Blackstone of the right of parties to carry weapons in self-defence. He saw no objection to the second reading of the bill and thought that it should be referred to a selection committee.

**Hon. Mr. GRAY** did not think there was any necessity for such legislation. There was nothing in the state of the country to call for it.

The motion for the second reading was then put and declared lost.

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#### STOLEN GOODS

**Mr. CARTER** moved the second reading of the bill to amend the law relating to advertisements respecting stolen goods. He explained that the object of the bill was to provide that the action to

be brought under the larceny Act which this was proposed to amend, should be brought in the name of the Attorney-General.

**Hon. Mr. BLAKE** asked why this was necessary, and what evil it was intended to prevent.

**Mr. CARTER** said at present an action could be brought against a newspaper without any enquiry being made into the circumstances. An advertisement might get into a newspaper by mistake and without the knowledge of the proprietors, and it was to protect them against vexatious actions that it was proposed that the Attorney-General's consent should first be obtained.

**Hon. Mr. McDOUGALL (Lanark North)** said that no specific case had been mentioned by the hon. gentleman showing the necessity for an alteration in the law. The object of the law originally was to prevent the compounding of felony; and he thought, in the absence of any particular reasons for such a change, the law should not be amended speculatively. He was not in favour of giving such discretionary powers to the Attorneys-General, as in cases of this kind it would expose them to the charge of having exercised their powers unfairly, for political and other reasons.

**Mr. CARTER** defined the object of the bill and thought it should receive a second reading. He was not aware of any specific cases, but the promoters of the bill have been induced from a knowledge of such cases to bring forward this bill. At all events it was not the duty of the Legislature to wait for an evil in order to legislate upon it.

**Hon. Mr. BLAKE** agreed with the last observation, but the object of the original bill was to prevent wrong, while it might occasionally happen that when arrangements were made privately to compound a felony the chief means were by advertising in a newspaper and the law, as it stood, was calculated to prevent the publication of the advertisement and the commission of crime. There being a fine of \$25 for offences against the law, proprietors of newspapers took good care that it should not be infringed, and he held that the existing law had been made use of for purposes of extortion before any charge should be made. It was not sufficient to say that a similar act had been passed in England. The circumstances there were quite different.

**Hon. Mr. CHAUVEAU** opposed the bill on the ground that the same provision might as well be applied to all actions for the recovery of penalties.

**Hon. Mr. WOOD** said the hon. member for Toronto West (Mr. Harrison) had introduced the bill simply to show his learning, skill or research, not because there was any necessity for such a measure. The hon. member had discovered that there was a statute of the kind in England, and thought it should be initiated here although no necessity had arisen for it. He (Hon. Mr. Wood) was opposed to burdening the statute books with such useless enactments.

**Hon. Sir JOHN A. MACDONALD** was surprised that the hon. member for Brant South (Hon. Mr. Wood) should have spoken in

June 5, 1872

that style of an absent professional brother. (*Hear, hear.*) He (Hon. Sir John A. Macdonald) did not know whether the hon. member for Toronto West (Mr. Harrison), was aware that any cases had occurred in this country requiring a Legislative remedy of the kind proposed in the bill. If he did not know of such cases, it would have been better, perhaps, if he had not brought in the bill; but, it would be discourteous to throw it out until the hon. member had an opportunity of explaining his reasons for introducing it.

The action referred to in the bill was not of the nature which the hon. member for Brant South (Hon. Mr. Wood) had stated, for the law was that all the money should go to the informer. In England this had caused many vexatious proceedings, respectable newspaper proprietors and publishers having been put to much annoyance by professional informers; and consequently a law had been introduced for their protection. He did not doubt that such a law had been necessary there, and that it had produced beneficial practical results. In justice to the framer of the bill, the debate should be adjourned, in order to allow him to explain why he had thought it expedient to introduce it.

**Hon. Mr. GRAY** said the hon. member for Toronto West (Mr. Harrison) had informed him before he left that he thought the bill necessary in order to secure the freedom of the press and prevent newspaper proprietors from being subjected to harassing actions.

The debate was then adjourned.

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#### TEA AND COFFEE

**Hon. Sir FRANCIS HINCKS** said he had received a telegram today from Washington informing him that the House of Representatives and the Senate there had concurred in a measure imposing a duty of ten per cent upon tea and coffee imported from other countries than those eastward of the Cape of Good Hope. This would render necessary a reconsideration of the measure that had passed this House for the repeal of the tea and coffee duties, and the Government would therefore introduce a new bill to meet this action of the American Congress.

He trusted that the usual form would be so far relaxed as to allow him to move without the necessity of giving notice, "That the House would on Friday resolve itself into a committee of the whole to the consideration of a resolution providing that if the United States impose a duty upon tea and coffee, imported from Canada, of ten per cent more than if imported from any other country, the Governor in Council should be authorized to impose by proclamation an equivalent amount of duty upon tea and coffee imported into this country from the United States." (*Hear, hear.*)

**Hon. Mr. HOLTON** said there was no objection as to the form, but hon. members might have something to say upon the subject when the resolution came up on Friday.

The motion was then agreed to.

#### POLL BY BALLOT

**Mr. TREMBLAY** moved the second reading of the Act to provide for taking the poll at Parliamentary elections by ballot. He spoke in French in support of the bill.

**Hon. Sir JOHN A. MACDONALD** said the House would agree with him that the question could not be considered this session, and he moved that the bill be read a second time three months hence.

**Hon. Mr. DORION** supported the principle, which he said was very generally in force in countries having Parliamentary Government, and though the matter could not be entertained this session he hoped the principle would be adopted by a large majority next session.

**Mr. JONES (Leeds North and Grenville North)** did not think the principle applicable to Canada. In England there might be reasons for the adoption of the ballot, but in Canada the voters were free and independent, and he thought it the more manly way to vote openly. In the United States there was more corruption at elections than anywhere.

**Hon. Mr. GRAY** said the operation of the ballot in New Brunswick had not been injurious, but the present bill was very incorrect in its details. If the system of New Brunswick were adopted, there would be no difficulty.

**Mr. JOLY** supported the principle of the ballot, denying that there was more violence at elections in the States than elsewhere; and said that if there was violence there now, how much more there would be if the ballot were not in force.

The members were called in and a division taken on **Hon. Sir JOHN A. MACDONALD'S** motion, which was carried: —Yeas, 104; Nays, 43.

(Division No. 34)

#### YEAS

##### Members

Abbott	Ault
Baker	Barthe
Beaty	Beaubien
Bellerose	Benoit
Blanchet	Bown
Brousseau	Brown
Cameron (Huron South)	Cameron (Inverness)
Cameron (Peel)	Campbell
Carling	Caron
Carter	Cartier (Sir George-É.)
Cartwright	Cayley
Chauveau	Chipman
Cimon	Coffin
Colby	Costigan
Coupal	Crawford (Brockville)
Crawford (Leeds South)	Cumberland
Currier	Daoust
De Cosmos	Delorme (Provencher)
Dobbie	Drew



Dugas	Ferguson
Gaucher	Gaudet
Gendron	Gibbs
Gray	Grover
Hincks (Sir Francis)	Houghton
Hurdon	Irvine
Jackson	Jones (Leeds North and Grenville North)
Keeler	Kempt
Kirkpatrick	Lacerte
Langevin	Lapum
Lawson	Little
Macdonald (Sir John A.)	McDonald (Lunenburg)
McDonald (Middlesex West)	Masson (Soulanges)
Masson (Terrebonne)	McCallum
McConkey	McDougall (Lanark North)
Merritt	Morris
Morison (Victoria North)	Morrison (Niagara)
Nathan	Nelson
O'Connor	Perry
Pinsonneault	Pope
Pouliot	Redford
Renaud	Robitaille
Ross (Dundas)	Ross (Prince Edward)
Ross (Victoria, N. S.)	Ryan (Montreal West)
Scatcherd	Scriver
Shanly	Simard
Sproat	Stephenson
Street	Thompson (Cariboo)
Thompson (Haldimand)	Tilley
Tupper	Walsh
Webb	White (Halton)
White (Hastings East)	Willson
Workman	Wright (Ottawa County)—104

## NAYS

## Members

Anglin	Béchar
Bertrand	Blake
Bodwell	Bolton
Bourassa	Bowman
Burpee	Cheval
Delorme (Saint-Hyacinthe)	Dorion
Ferris	Forbes
Fortier	Fournier
Geoffrion	Godin
Holton	Joly
Mackenzie	Magill
McMonies	Metcalfe
Mills	Oliver
Pelletier	Pozer
Ross (Wellington Centre)	Rymal
Smith (Westmorland)	Snider
Stirton	Thompson (Ontario North)
Tourangeau	Tremblay
Wallace (Albert)	Wallace (Vancouver Island)
Wells	Whitehead
Wood	Wright (York West)
Young—43	

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## RETURNING OFFICERS

**Mr. FOURNIER** moved the second reading of the bill to provide for the nomination of Returning Officers for the next general election of members for the House of Commons.

**Hon. Mr. DORION** said the object of the bill was to reinstate the law as it was before Confederation, or, in other words, to provide that those who were returning officers before Confederation should be hereafter returning officers, thereby taking away from the Government the power of appointing returning officers.

**Hon. Sir JOHN A. MACDONALD** thought the question was fully disposed of by Parliament last session, when it was deliberately agreed that all the laws relative to elections should be continued, except in so far as altered by the British North America Act. It was then settled what the law should be at the next general election, and he could see no reason for altering the decision of both Houses of Parliament last session, there having been no change of circumstances. He would, therefore, move "that the bill be not now read, but that it be read a second time this day three months."

**Hon. Mr. BLAKE** charged the Minister of Justice with inconsistency in having voted for the bill of the member for Victoria, New Brunswick (Mr. Costigan) the principle of which he had voted against last session. He had warned the hon. gentleman, and would do so again, that a large portion of the people of Manitoba would be disfranchised during the next election, owing to the manner in which the voters' list had been prepared unless a special act on the subject was passed during the present session.

**Hon. Sir JOHN A. MACDONALD** said he stated in his previous remarks that there was no change of circumstances between the passing of the act of last session and the present time. He could not say the same in respect to the bill of the member for Victoria, (Mr. Costigan) because there was a marked difference in the circumstances.

The hon. gentleman had said that a certain portion of the Dominion would be disfranchised. Such would not be the case. He did not require any warning from his hon. friend to keep him to his duty. He had been in Parliament and held office for many years and thought his legislation would be found quite as complete as that of his hon. friend from Durham West (Hon. Mr. Blake), should that gentleman have the opportunity of serving so long. As to the appointment of returning officers, he appealed to the House and the country to say whether the power vested in the Government by the British North America Act was misused or abused at the last general election. Neither in the House nor out of it had there been a single attack made upon the conduct of a returning officer.

**Hon. Mr. DORION** asked how about Kamouraska.

**Hon. Sir JOHN A. MACDONALD** replied that there had been a row there, but there had not, he thought, been any charge of impropriety of conduct on the part of the returning officer, who in that instance was the registrar, and the very man who would be appointed if the bill under discussion became law. The Government took great pains at the last general election to see that proper persons were selected for returning officers, and would do the same in future.

**Hon. Mr. HOLTON** said the Minister of Justice had averred his

June 5, 1872

responsibility for the bill of the member for Victoria (Mr. Costigan).

**Hon. Mr. MACKENZIE** argued to the same effect as the member for Châteauguay (Hon. Mr. Holton) and said that it had been denied by the hon. gentleman's own organ, and he must now be recognized as proprietor of a newspaper.

**Hon. Sir JOHN A. MACDONALD:** And a good newspaper.

**Hon. Mr. MACKENZIE:** Yes, a good newspaper, but he could not say so of the news it contained. To return to his subject, that organ had denied the responsibility of the bill, but the hon. gentleman had at last acknowledged the fact.

**Hon. Sir JOHN A. MACDONALD** said he had never averred that he knew anything about the bill of the member for Victoria (Mr. Costigan). The hon. gentleman was in the House and they were at liberty to question him on the subject.

**Mr. COSTIGAN** said he had been repeatedly asked how the Government felt in regard to his bill, to which he had replied that he had never spoken to them or they to him in reference to the bill.

**Hon. Mr. DORION** argued that there were at least ten constituencies in the Province of Quebec disfranchised through the action of the returning officers at the general elections.

It being six o'clock the House rose.

## AFTER RECESS

### THE ANTICOSTI COMPANY

**Mr. WORKMAN** moved concurrence in the amendments to the bill to incorporate the Anticosti Company.

**Hon. Mr. CHAUVEAU** said the bill should have been initiated in the Quebec Legislature. There were certain powers in the bill which were under the jurisdiction of that Legislature. After they had been obtained it would have been time to have come to the Dominion Parliament to ask for the powers which Parliament alone had the right to confer. This kind of legislation was inconvenient; it was beginning at the wrong end.

**Hon. Mr. DORION** defended the bill, saying that the chief powers which were sought were powers under the control of Parliament. The company which it was proposed to incorporate intended to develop the resources of Anticosti where, according to Sir William Logan, there were a million acres of as good land as any in Ontario or Quebec; and he (Hon. Mr. Dorion) thought no obstacle should be thrown in the way.

The motion was then carried.

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### MONTREAL TELEGRAPH COMPANY

**Hon. Mr. HOLTON** moved the House into committee on the bill to extend the powers of the Montreal Telegraph Co. He said that this bill had been allowed to stand for some time on the orders, in the hope that an arrangement would have been made by the Montreal Telegraph Company with the Nova Scotia Telegraph Company in the sense that was understood when the bill was before the Railway Committee. The negotiations, however, had failed for the present, and as a number of gentlemen from Nova Scotia who had withdrawn their opposition to the bill in the belief that this arrangement would have been entered into, had left for home, he did not feel at liberty to proceed with that part of the bill that had been objected to, and that gave power to the Montreal Telegraph Company to extend its wires into Nova Scotia.

He had had a conference with the President of the Council (Hon. Mr. Tupper) upon the subject, and had agreed with him to except Nova Scotia altogether from the operation of the bill for the present. He would move an amendment in committee to extend the powers of the company to New Brunswick, Manitoba, and British Columbia; but that clause of the bill relating to Nova Scotia would be struck out. It was probable that during the recess the negotiations for the purchase of the Nova Scotia telegraph lines by the Montreal Company, which involved negotiations with a foreign company, the Western Union Telegraph Company, would be brought to a satisfactory conclusion.

**Hon. Mr. TUPPER** said there could be no objection to the bill as it would be amended by the hon. gentleman.

The House then went into committee on the amendments made and reported, and the bill was read a third time and passed.

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### BILLS ADVANCED

**Mr. GIBBS** moved the second reading of the bill to incorporate the Dominion Trust Company.—Carried. The bill having passed through committee was read a third time and passed.

**Mr. SMITH (Selkirk)** moved the second reading of the bill to incorporate the Bank of Manitoba.—Carried. The House went into Committee on the bill, which being reported was read a third time and passed.

**Mr. GIBBS** moved the second reading of the bill to incorporate the Ontario Shipping and Forwarding Company.—Carried. The bill went through Committee, was read a third time and passed.

The following bills were also read a second time, referred to Committee, adopted, and then read a third time and passed:—



An Act to change the name of the District Permanent Building Society of Montreal into that of the Loan and Landed Credit Bank—**Mr. PÂQUET**—and to grant certain powers to the Bank. An Act to incorporate the Board of Trade of the Town of Chatham—**Mr. STEPHENSON**. An Act to incorporate the Superior Bank of Canada—**Mr. KIRKPATRICK**. An Act to incorporate the St. John Board of Trade—**Hon. Mr. TILLEY**. An Act to incorporate the St. Clair River Railway bridge, and Tunnel Company—**Mr. MORRISON (Niagara)**; An Act to incorporate the Detroit River Railway Bridge Company—**Mr. MORRISON (Niagara)**. An Act to incorporate the Coteau and Province Line Railway and Bridge Company—**Mr. MACDONALD (Glengarry)**. An Act to amend the St. Lawrence and Ottawa Railway Act—**Mr. SHANLY**.

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### RETURNING OFFICERS

**Hon. Mr. DORION** renewed the debate on the bill to provide for the nomination of returning officers for the next general election of members for the House of Commons. For a period, he said, of from twelve to fifteen years after the Union the appointment of returning officers was vested in the Government, and it was found that great partiality was shown by these officers in favor of the Government appointing them.

**Hon. Mr. CHAUVEAU** was not in the House when the bill was passed last session, but in reading the debates thereon he had noticed that the member for Hochelaga (Hon. Mr. Dorion) had moved an amendment which certainly was not in favour of returning to the old system. That system, if renewed, would vest the power of appointing Returning Officers for the Dominion elections in the hands of the local authorities who might be hostile to the Dominion Government.

The hon. gentleman had made an unfortunate statement as to the corruption of Returning Officers. Three out of four of the gentlemen pointed out were men who would hold offices as Returning Officers if the bill under discussion became law. With nine exceptions, the whole of the Returning Officers of the Province of Quebec were Registrars or Sheriffs, and the Government were compelled to appoint four out of the nine owing to the absence or employment elsewhere of the Sheriffs and Registrars.

The trouble at Kamouraska had been greatly exaggerated, and the returning officer at the last election would still hold that office if the amended bill was passed. The returning officers had a very knotty question to decide in regard to duplicate lists. One of them had gone to him for advice and he had replied that the Government should not give an opinion on the subject, and told the applicant to get the best legal advice he could. If the hon. gentleman had had any charges to make, he should have presented them at the time, in order that an investigation could be had. They should at least give the bill passed last session a fair trial.

**Hon. Mr. ANGLIN** said it was quite understood that the bill passed last session was a temporary measure merely to provide, as the Minister of Militia (Hon. Sir George-É. Cartier) then stated, for any possible election that might take place in the meantime, and that a general election law was to be passed during the present session.

**Hon. Sir GEORGE-É. CARTIER** would explain the extraordinary assertion of the member for Gloucester. It would appear that the hon. gentleman had not read the bill, nor listened to the debate when introducing that bill. He (Hon. Sir George-É. Cartier) expressly stated to the House that the measure was in view of the general election, as they could not alter the system during the present session on account of British Columbia entering the Union, and would not have time during the last session of Parliament to alter the lists.

**Hon. Mr. TILLEY** was surprised at the speech of the hon. member for Gloucester (Hon. Mr. Anglin). The bill of last session left New Brunswick in precisely the same position as in 1867.

**Mr. BELLEROSE** and **Hon. Mr. CHAUVEAU** spoke in French against the proposed measure.

The members were called in and the vote taken on **Hon. Sir JOHN A. MACDONALD'S** motion, with the following result: —  
Yeas, 95; Nays, 52.

(Division No. 35)

### YEAS

#### Members

Abbott	Archambault
Baker	Barthe
Beaty	Beaubien
Bellerose	Benoit
Bertrand	Blanchet
Bown	Brousseau
Brown	Burpee
Cameron (Inverness)	Cameron (Peel)
Campbell	Carling
Caron	Carter
Cartier (Sir George-É.)	Cayley
Chauveau	Cimon
Colby	Connell
Costigan	Crawford (Brockville)
Crawford (Leeds South)	Cumberland
Curried	Daoust
Delorme (Provencher)	Dobbie
Drew	Dugas
Ferguson	Ferris
Fortin	Gaucher
Gaudet	Gendron
Grant	Gray
Grover	Hincks (Sir Francis)
Holmes	Houghton
Hurdon	Irvine
Jackson	Jones (Leeds North and Grenville North)
Kirkpatrick	Lacerte
Langevin	Lapum
Lawson	Macdonald (Sir John A.)
McDonald (Lunenburg)	McDonald (Middlesex West)
Masson (Soulanges)	Masson (Terrebonne)

June 5, 1872

McCallum  
McGreevy  
Merritt  
Morrison (Niagara)  
Nathan  
Pinsonneault  
Pouliot  
Renaud  
Ross (Dundas)  
Scriver  
Stephenson  
Thompson (Cariboo)  
Tourangeau  
Wallace (Albert)  
Walsh  
White (Halton)  
Wright (Ottawa County)—95

McDougall (Lanark North)  
McKeagney  
Morris  
Munroe  
Perry  
Pope  
Ray  
Robitaille  
Ryan (Montreal West)  
Simard  
Street  
Tilley  
Tupper  
Wallace (Vancouver Island)  
Webb  
Willson

## NAYS

## Members

Anglin  
Blake  
Bourassa  
Cameron (Huron South)  
Cheval  
Coffin  
Delorme (Saint-Hyacinthe)  
Forbes  
Fournier  
Godin  
Joly  
Mackenzie  
McConkey  
McMonies  
Mills  
Oliver  
Pelletier  
Power  
Redford  
Ross (Victoria, N. S.)  
Rymal  
Snider  
Thompson (Haldimand)  
Tremblay  
White (Hastings East)  
Wright (York West)

Béchar  
Bodwell  
Bowman  
Carmichael  
Chipman  
Coupal  
Dorion  
Fortier  
Geoffrion  
Holton  
Kempt  
Magill  
McDougall (Renfrew South)  
Metcalf  
Morison (Victoria North)  
Pâquet  
Pickard  
Pozer  
Ross (Prince Edward)  
Ross (Wellington Centre)  
Scatcherd  
Stirton  
Thompson (Ontario North)  
Wells  
Wood  
Young—52

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## BILLS OF EXCHANGE

**Hon. Mr. CAMERON (Peel)** moved the second reading of the Act to amend the law relating to bills of exchange and promissory notes. He referred to the different clauses, and said that in committee he proposed to provide that the bill should come into operation on the 1<sup>st</sup> October next, so as not to affect bills now drawn.—Carried. The bill passed through Committee, was read a third time and passed.

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## VOTERS' LISTS

**Mr. ROSS (Victoria)** moved the second reading of the bill to

provide for the revival of voters' lists for the election to the House of Commons in a certain district of the County of Victoria, Nova Scotia.—Carried. The bill passed through Committee, was read a third time and passed.

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## NAVIGATION OF THE ST. LAWRENCE

**Hon. Sir FRANCIS HINCKS** moved that on Friday next the House to go into Committee of the Whole, to consider the following resolution:—"That in order to make good to the consolidated revenue fund the sum voted by Parliament to be expended under the superintendence of the Department of Public Works for improving the navigation of the St. Lawrence between Quebec and Montreal, it is expedient to provide that a sum, as nearly equal as may be found practicable to the interest at five per cent per annum on the sum so voted, and one per cent in addition to form a sinking fund for paying off such sum, be raised, one half by tonnage dues on sea-going vessels entering or leaving the harbour of Montreal, from or to ports beyond the limits of the Dominion of Canada, and drawing 16 feet of water or upwards, and for each time they so enter or leave, and one half by the addition of an equal percentage to all the wharfage rates now payable on goods landed, shipped, or deposited in the said harbour, such tonnage dues and percentage to be fixed from time to time by the Governor in Council, and levied and collected by the Harbour Commissioners, with the assistance of the Collector of Customs, in like manner with the wharfage rates now payable, and to be paid over from time to time by the Commissioners to the Receiver-General for the purposes aforesaid, the said tonnage dues and percentage to be levied from and after 1<sup>st</sup> of January next."—Carried.

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## SUPPLY

The House then went into Committee on Supply on the item reported from the Committee of Supply to meet the increase under the Civil Service Act or possible new appointments in the Civil Service.

**Hon. Sir GEORGE-É. CARTIER** moved that the item be reduced from \$25,000 to \$10,000.—Carried.

On the item of \$70,000 to aid the provinces to encourage emigration,

**Hon. Mr. MACKENZIE** objected strongly, as the Provinces would be in no way accountable.

**Hon. Sir FRANCIS HINCKS** defended the vote, and had perfect confidence that the Provinces would properly apply the money.

**Hon. Mr. TUPPER** referred to the conference on immigration where the delegates of the Local Government stated that there was a



want of means when it was decided to help the Local Governments in the matter of assisting emigration, and could not understand what objection the member for Lambton (Hon. Mr. Mackenzie) could have. The Local Governments were fully responsible to their respective Legislatures, and there could be no misappropriation. There would be great advantage from the co-operation of the Dominion and Local Governments, and the proposed action would commend itself to the House and the country. The amount was comparatively small for the purpose intended.

**Hon. Mr. McDOUGALL (Lanark North)** considered there was a great deal of force in the constitutional objection raised by the member for Lambton (Hon. Mr. Mackenzie). The subsidy was not a parallel case, because that was part of the ordinary revenue of the local Governments over which the Legislatures exercised control. If the practice was extended it might lead to evil results; but in this case he thought the local Governments would spend the money properly, though he thought a condition should be attached to the vote that the local Governments should make a return to the Dominion Government of how this money was spent.

**Hon. Mr. BLAKE** said there was no arrangement between the Local and Dominion Governments as to any such grant. He thought the provision was a mode of alteration of the British North America Act to the constitution of the Local Legislatures. The grant would only have the effect of increasing the general revenues of the Local Governments contrary to the British North America Act and the course was a most dangerous one.

**Hon. Mr. CONNELL** pointed out that the settlement of the public lands would increase the revenue of the Dominion, and not of the local Governments, and therefore the Dominion was more interested in the promotion of immigration. He thought the proposition was an experiment, and there was strong reason that it should be carried, as every effort should be made to induce emigration, though he entirely differed from the principle of grants to the Local Governments.

**Hon. Mr. WOOD** said everybody desired to encourage emigration, but whether the present vote would further the desired object more than if the amount were expended by the Dominion Government was very doubtful. The vote was a simple decrease of the subsidies of the Provinces, though no doubt it was proposed with the best possible motive. Ontario had voted \$80,000 for emigration purposes, and could not expend any further sum. He hoped that the Government would not press the matter, as it might lead to trouble.

**Hon. Sir JOHN A. MACDONALD** said that in his opinion there was no constitutionality in the matter, as the people of the country were a free people, and had a right to do with their money exactly as they pleased, and it was absurd in the matter of spending their own money. Immediately after the first session of the present Parliament the Government of the

Dominion made an attempt to act in concert with the Governments of the Provinces on the subject of emigration, as it was evident that the Dominion Government, without the aid and assistance of the Provincial Governments, were without any real power to promote emigration. At that time they had no increase of land and no means of offering cheap or free lands to any one, and they were without reliable information to convey to emigrants in Europe, and it was evident, therefore, that unless there was joint action on the part of all the Governments there could be no efficient system of emigration.

The Government of the Dominion, therefore, communicated with all the Provinces, and representatives were sent to a Conference by Ontario, Quebec, and New Brunswick, and an agreement for joint action was come to, the General Government agreeing to appoint agents for Europe for the purpose of disseminating such information as should be furnished on the authority and responsibility of the Provincial Governments to the Dominion Government, and it was understood that the Dominion Government would appoint agents on the main line, while the Local Governments would have local agents to distribute the emigrants to the different points where they might be required.

At the following session, the Dominion Government got votes for the purpose, and he might say that the Dominion Government had always been in advance of the Governments of the Provinces in their exertions in favour of emigration. From the large works in progress in Canada and the United States, and the extension of the bounds of the Dominion, a great demand for labour arose; and in consequence of the general desire for a renewed and increased effort in favour of emigration, a conference was held recently, at which representatives were present from every Province in the Dominion, including even British Columbia.

These representatives set themselves to work out a scheme for general action, but the representatives of the Lower Provinces pointed out that their requirements were so peculiar that the efforts of the agents of the Dominion were only beneficial to Ontario and Quebec, while their wants were set aside. The emigrants they wanted were fishers and miners, and if the Dominion really desired to help them to develop their mineral resources and their fisheries, they must assist them to have special agents and to make special efforts themselves.

The Government told the representatives that they had no power to make any pledge of assistance, and that they believed that Parliament would vote an amount for the purpose of aiding the different Provinces, and he believed the Local Governments had since calculated with some confidence that the vote would not be thrown over by Parliament; and he was sure it would not be thrown over, so that without reference to the constitutional question he would ask the House to accept the proposal for the present year, leaving it hereafter to be fought out on a large scale, and on a question more worthy of

June 5, 1872

dealing with the constitutional question.

**Hon. Mr. MACKENZIE** said we had a right to vote as much money as we pleased for emigration purposes, but he did not believe we had a constitutional right to vote money and hand it over to the Local Governments to expend; and he protested against that doctrine. The expenditure would not be accounted for to this Government, and he contended that the money should be paid to the respective Governments in proportion to the number of emigrants brought into the country.

**Hon. Sir JOHN A. MACDONALD** said that the object of providing that a certain sum should be paid to the different Provinces out of the Dominion Treasury was to meet to a certain extent the large revenue they had given up to the Dominion, and a bargain was made by which the Government of the Dominion was to pay a certain sum for that surrender. They were not bound, however, not to exceed that sum, the amount agreed upon being an assurance that they would never receive less.

He contended that this Parliament had a perfect right to do what it liked with its own money, and he instanced Ireland as a case in point, and referred to the motion brought in by Mr. Maguire at the last Session of the Imperial Parliament on the ground that that country had not received the amount agreed upon according to the terms of Union. It was then contended, and believed established, that that country had received a great deal more. He alluded to the fact that Her Majesty's Government had declared that the additional subsidy to Nova Scotia was perfectly constitutional, and reported that there was no unconstitutionality in the present vote.

**Mr. MILLS** maintained that the grant asked was unconstitutional, and that the effect would be that the Provinces would look to the Parliament of Canada for any money they required instead of taxing their people.

**Hon. Sir GEORGE-É. CARTIER** replied that he was surprised at the argument of the member for Bothwell (Mr. Mills) and maintained that there was nothing unconstitutional involved.

**Mr. SCHULTZ** said that whether the grant was unconstitutional or not it was a very wise course. He could not understand why Manitoba should be overlooked. It was true that a large sum had been expended on the Dawson Road. The population was small, but

the extent of territory for settlement should be considered.

**Hon. Mr. ANGLIN** had no doubt of the correctness of the matter constitutionally, as Parliament could deal with its money as it chose.

**Mr. MASSON (Terrebonne)** complained that it should be urged that because money had been spent on the Dawson Road, nothing more should be done for Manitoba.

**Hon. Sir FRANCIS HINCKS** said they were giving cheap passages and in other ways assisting emigrants by free grants of land, and that was quite enough, in his opinion, for promoting emigration to Manitoba.

**Hon. Mr. MACKENZIE** said last year \$50,000 had been spent in sending emigrants to Manitoba.

**Hon. Mr. POPE** said no grant was given to Manitoba because the whole of the land belonged to the Dominion.

The item was declared carried on division.

On the item for the Témiscouata, Matapédia and Huntingdon and Port Louis Roads.

**Hon. Mr. LANGEVIN** in reply to Hon. Mr. Mackenzie, explained that the Témiscouata road was in very bad repair, and until the Intercolonial was complete, it was absolutely necessary that it should be kept in good order, as it was the only road between Canada and New Brunswick.

The item was carried on a division.

In reply to Hon. Mr. Mackenzie,

**Hon. Sir GEORGE-É. CARTIER** said tomorrow the Militia estimates would be proceeded with.

**Hon. Mr. BLAKE** complained of the Distribution bill not being in the hands of the members.

**Hon. Sir GEORGE-É. CARTIER** promised to call the attention of the Minister of Justice to the matter.

The House then adjourned at 12.10.





June 6, 1872

## HOUSE OF COMMONS

Thursday, June 6, 1872

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*Prayers*


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## DIVORCE

**Hon. Mr. GRAY** presented the report of the Special Committee on the bill for the relief of John Robert Martin.

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## PUBLIC WORKS

**Hon. Mr. LANGEVIN** introduced a bill to remove doubts under the Act respecting the Public Works of Canada. The bill was read for the first time.

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## TRADE WITH THE WEST INDIES

**Hon. Mr. LANGEVIN** presented the correspondence relating to trade relations with the West Indies.

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## EXPLANATION

**Hon. Mr. GRAY** wished to correct a statement made in a local newspaper, that he had, in the debate the other day, said the ballot in New Brunswick had not worked well; whereas he had stated exactly the reverse.

**Hon. Sir JOHN A. MACDONALD** presented the petition of the inhabitants of the District of the Muskoka for representation in Parliament.

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## LOSSES IN MANITOBA

**Hon. Sir FRANCIS HINCKS** presented additional returns relating to claims for loss in Manitoba.

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## SUPPLY

**Hon. Sir FRANCIS HINCKS** moved the House again into Committee of Supply.

## JUDGE F. G. JOHNSON

**Hon. Mr. HOLTON** said he would now invite the judgment of the House upon the subject of the motion of which he had given verbal notice. That subject had reference to the employment for a period of nearly two years of Mr. Johnson, a Judge of the Superior Court of Lower Canada, on public duty in Manitoba, during which he had received first his entire salary as Judge; secondly, a still larger salary as Recorder of Manitoba; and thirdly, various perquisites which appeared in a return before the House.

The points he would call attention to were that this payment of additional salary was in direct contravention of the law of Lower Canada, under which the Judge was appointed, and that these large payments in excess of the emolument fixed by law were calculated to impair the independence of the judiciary. He did not propose to assail the Government in any violent terms in this matter; he believed they had been led into error. It was natural to send Judge Johnson to Manitoba in view of his long experience, but he thought it was not judicious; and to have kept him there with more than a double salary, was quite indefensible.

He hoped, therefore, the Government would meet the resolution by a frank statement that they had been led into error, and that they proposed remedying it in the best practicable way. He then moved as follows:—

That all the words after “That” be left out, and the following inserted:

“It appears from a return now before the House that the hon. F. G. Johnson, a Judge of the Superior Court in Lower Canada, received between the first of September, 1870, and the 31<sup>st</sup> of March, 1872: First, salary as Judge, at the rate of \$3,200 per annum, \$4,800; second, salary as Recorder of Manitoba, from 3<sup>rd</sup> of September, 1870, to 1<sup>st</sup> of March, 1872, at £800 sterling per annum, \$5,818.34; thirdly, expenses to Fort Garry to organize judiciary, \$1,400; fourthly, to defray expenses of the several commissions of which he has charge, \$1,000, forming a total sum of \$13,018.34; and that in the opinion of this House these payments, so largely in excess of the emoluments fixed by law, and embracing as they do a second salary exceeding that payable by law to the said judge; and in addition thereto for the long period of nearly a year and a half, are calculated to impair the independence of the judiciary and are in contravention of the spirit of our laws designed to secure the independence of the judges.”



**Hon. Sir GEORGE-É. CARTIER** said the Government could not allow this motion to be submitted to a vote without an explanation from them. He would give that explanation himself, as the appointment of Judge Johnson had been made during the absence from ill health of the leader of the Government (Hon. Sir John A. Macdonald). All would recollect the hard struggle and difficulties which had accompanied the passing of the Manitoba Act in 1870. One of the provisions of that Act was that the laws and all offices at that time existing were to be continued in force until the local laws should be altered by the Local Legislature of that Province.

During the discussion of that measure, they had the advantage of the presence of Judge Black, Recorder of Manitoba, who had held that office under the Hudson's Bay Company. Seeing that when the Manitoba Act came into operation, judicial institutions would necessarily have to be continued until altered by the Local Legislature, Judge Black had intimated that he was desirous of obtaining leave of absence, in fact that he had obtained leave of absence for six months, to go to England. He (Hon. Sir George-É. Cartier) had done all that he could to induce Judge Black to remain, and had pointed out to him that it would be almost impossible for the Dominion government to obtain the services of a Recorder having the requirements and knowledge necessary in order to carry out the Administration of Justice in that immense territory.

The only promise that could be obtained from Judge Black was that he would not at once resign his office, and he (Hon. Sir George-É. Cartier) had urged upon him that, after consulting his friends, he should return if only for a year to give time for the Local Legislature to rearrange their judicial institutions. Unfortunately, however, a few months afterwards an official letter was received through the Colonial Secretary advising the Government that the Judge could not continue his services as Recorder.

The Government had then to look about for some suitable person to fill the office, even if only temporarily. It was then that Judge Johnson's name had come to his mind. It was known that Judge Johnson had acted as Recorder of the Hudson's Bay territory for upwards of eight years, and besides that he had for one year acted as Governor of Assiniboine, a district extending sixty miles from Fort Garry, which was the centre of the country.

After considering the matter, the Government had authorized him (Hon. Sir George-É. Cartier) to communicate with Judge Johnson. He had done so with diffidence, because it was to ask him merely to take a temporary appointment, and to go and administer justice in a province which it might be said had only just emerged from a state of insurrection.

He (Hon. Sir George-É. Cartier) had urged Judge Johnson to comply with the request of the Government, if only for one year. That was all that was wanted at that time. It was explained to him that unless the government of Quebec would give him leave of absence, he could not be appointed, and he (Hon. Sir George-É. Cartier) had agreed to communicate with the Government of

Quebec on the subject, and the leader and Attorney-General of that Government seeing the difficulty of our position consented to the proposition.

The hon. member for Châteauguay (Hon. Mr. Holton) had fallen upon an act passed in 1849, when Sir Louis LaFontaine was Attorney-General. Two acts were passed in that year, one to organize the Superior Court of Lower Canada, and the other to organize the Court of Queen's Bench; and Sir Louis LaFontaine, not liking the appointment by Governor Sydenham of Sergeant Stuart, to watch and regulate the ordinances of the special council, which then existed, put a clause in the bill in order to prevent any judge from sitting in the Legislature, and from holding any office of emolument under the Crown.

This was a move as it were to secure the freedom of Parliament from the presence of judges, more than anything else. The Act of 1849 was a local one, applying to Lower Canada only, and if it were not for the present Independence of Parliament Act, a Judge could be elected to the House of Commons or called to the Senate. The Act in fact was passed solely to meet the political state of things existing at that time.

The member for Châteauguay (Hon. Mr. Holton) relied now on the same arguments as he had used in bringing forward his motion as to the appointment of Judge Johnson as Lieutenant-Governor. But in 1852 or 1853 an Act was passed giving power to the Government to grant leave of absence to a Judge from illness, and to appoint an assistant Judge in his place during such leave. He was not amenable to the provisions of the law of 1849, but could not be deprived of his salary after the passing of the Act of 1852.

The services of Judges were often required for the discharge of public duties, such as the Seigniorial Commission. And as the power to grant leave during absence was not considered sufficient to cover such cases, in 1860, power was taken to appoint assistant Judges during their absence from illness or from other general reasons. This had been done at his (Hon. Sir George-É. Cartier's) instance, when he was Attorney General, and Parliament coincided on the reason given, namely, that it might happen that the services of a Judge might be required for some public duty which might be consonant with his judicial duties. He would not discuss whether the law were right or wrong.

The question as to leave of absence was for the Local Legislature. With regard to the employment of Judges he would again allude to the appointment of Judges Caron and Morin in the codification of the laws of Lower Canada. It might be said that there was a law passed authorizing it, but it was passed merely to provide a larger salary; that was all, as the law as to leave of absence could have covered the case so far as their employment was concerned.

He then referred to the objections of Judge LaFontaine in the case just alluded to, who, however, on a case being pleaded before him, had to acknowledge that the Government had the power, and Judge Mondelet held the office of assistant Judge for five or six days, and no one had challenged the legality of his Act.

June 6, 1872

**Hon. Mr. HOLTON:** Did he get two salaries?

**Hon. Sir GEORGE-É. CARTIER:** No, but then he was not asked to go to a country where there was an insurrection. The appointment of Judge Johnson was to some extent necessary, inasmuch as even in that country no such proper person could be found. It was necessary that the appointment should be filled by someone who could speak French and English, and who should be acquainted with what had been done with the Hudson Bay Company as the governing power. When the Judge was told that his services were wanted, he asked what salary he would receive, and he was told that he would receive that allowed by the old law to the Recorder, which was equal to about £800 sterling.

Judge Johnson was also instructed that he would have to enquire into the state of the law with a view to the criminal law necessary to be introduced into Manitoba and the North-west, and that he would have to act as Recorder both for Manitoba and the North-west. The appointment was made, and had now lasted for some twenty months, and it was only a few days ago that the member for Châteauguay (Hon. Mr. Holton) fell accidentally on some statute, and thought he had caught a tartar.

**Hon. Mr. HOLTON:** I think you have caught a tartar.

**Hon. Sir GEORGE-É. CARTIER:** No. He had now shown the legality of the appointment of a recorder.

**Hon. Mr. HOLTON** quite agreed with that, but the appointment was contrary to the law of Lower Canada by which he occupied his position as Judge, and therefore that position was voided.

**Hon. Sir GEORGE-É. CARTIER:** The hon. gentleman was wrong, as the law he referred to had been amended. The appointment had only been made for a year, and every one, both inside and outside of the House approved of it; and last year, when the item came upon the estimates for the administration of justice in Manitoba, he distinctly stated that the amount would have to cover Judge Johnson's salary. There was now an act before Parliament providing for the appointment of Judges in Manitoba, agreeing with the act only recently passed by the Legislature of Manitoba, and when that act became law, Judge Johnson's appointment would cease.

The member for Châteauguay (Hon. Mr. Holton) admitted that no better appointment could have been made, and therefore, as there was no question as to the legality or usefulness of the appointment, the only objection left was as to the money. Would any member in his senses imagine that Judge Johnson would have consented to leave the quiet discharge of his judicial duties and go to a country which had just emerged from trouble, where there were so many difficulties, and where the cost of living was so high, if he had been told that he must give up his salary as Judge?

Judge Johnson, however, went, and after enquiring into the state of the law, he furnished the Government with the most useful suggestions as to the criminal law required for Manitoba, which was carried out but last year. He was not there because he chose, but he accepted the appointment on being requested to do so as a patriot and public man. He had discharged his duties well, and the work having been well done the objection of money should not be raised. Had not an immense amount been spent in military expeditions and in making roads, and now, when in the discharge of duties the most delicate and difficult, the Judge had acted so well, why should the money be objected to?

In addition to this, the double salary was not the act of the Government only, but of the Parliament which had voted the necessary money to pay an assistant Judge, and also for the administration of justice in Manitoba, which was understood to include the payment of Judge Johnson's services there.

The action of the Government had therefore been endorsed by Parliament, and he had no doubt but the House would give the vote which the Government expected from its supporters. The motion was a vote of want of confidence, and he therefore desired to bring the matter before the House so that the friends of the Government could see whether the Government had not acted well.

**Hon. Mr. DORION** could not understand the legal argument of the Minister of Militia, and he did not see how the cases he referred to bore upon the subject in hand. He would not follow the circular line of the argument the hon. gentleman had adopted, but would quote the plain law, and hoped the Minister of Justice would state his view of the matter, as the question came peculiarly within his province.

That law provided that no Judge could hold any other office of profit under the Crown so long as he continued to be a Judge, and he maintained that, if Judge Johnson ceased to be a Judge, he had no right to receive a salary for that position; and if he did not cease to be a Judge he could not hold another place of profit. He hoped those who desired to do right, and who desired to prevent the administration of justice being interfered with at the caprice of the Government, would not accede to the appeal of the Minister of Militia (Hon. Sir George-É. Cartier).

He maintained that the cancellation of the appointment was an admission by the Government that it was illegal as, if Judge Johnson was the best man for the position, and the appointment was legal, why was it cancelled? Judge Johnson himself, speaking of the matter, seemed to admit the illegality of the appointment, and he quoted from a report of a speech recently made by the Judge in Manitoba, reported in the *Toronto Mail*.

When his hon. friend, the member for Châteauguay (Hon. Mr. Holton), received the assurance that the appointment had been cancelled, he certainly understood that Judge Johnson should not be continued in another office. It was from no ill feeling



towards Judge Johnson that this motion had been brought forward, for every man in Lower Canada held him in consideration, but it was simply in fulfillment of a public duty in order to point out that the law had not been complied with.

The motion raised by question was whether Judge Johnson should receive two salaries, or whether a sum amounting to more than \$13,000 should have been paid to him in eighteen months, being, in addition to his salary as a judge, more than had been received by the Governors of Ontario, Quebec, New Brunswick or Nova Scotia. The argument of the Minister of Militia that the Government had a right to give Judge Johnson leave of absence, and then, during that leave, to appoint him to another office, was a contradiction of the special provisions of the law he (Hon. Mr. Dorion) had read, in contravention of the letter and spirit of the Act to secure the independence of the Judges. He contended further that the motion was not a motion of want of confidence.

**Mr. SCHULTZ** was afraid the hon. member for Hochelaga (Hon. Mr. Dorion) had been led into error as to the views of Judge Johnson by the telegram that had appeared in the *Toronto Mail*. That telegram might have given an incorrect report of what he had said. He (Mr. Schultz) had an opportunity of conversing with Judge Johnson while he was on his way to Manitoba, two days after his appointment had been cancelled. On that occasion he had stated distinctly that there were no good grounds for cancelling it. He had said, however, that he was only too glad it had been done, as he did not like the Province as a place of residence, and had only accepted the appointment to oblige the Government.

This conversation occurred at Breckenridge about a month ago, while Judge Johnson was on his way to the Province. He (Mr. Schultz) could not allow the debate to pass without stating what he knew to be a fact, that Judge Johnson's appointment as Lieut.-Governor would have been most acceptable to the people of Manitoba.

As Recorder he had had a most difficult task to discharge, but he had performed his work well. If he had received a salary in addition to that which he derived from his judgeship in Lower Canada, there were many circumstances, such as the high price of living and other extra expenses, which fully warranted the Government in paying the additional sum. (*Hear, hear.*)

The House then divided on the amendment which was lost on the following division: —Yeas, 58; Nays, 89.

(Division No. 36)

YEAS

Members

Anglin	Béchar
Blake	Bodwell
Bourassa	Bowman
Brown	Cameron (Huron South)
Cameron (Peel)	Carmichael

Cartwright  
Connell  
Delorme (Saint-Hyacinthe)  
Ferris  
Fournier  
Godin  
Jones (Leeds North and Grenville North)  
Kirkpatrick  
Mackenzie  
McConkey  
McMonies  
Mills  
Oliver  
Pelletier  
Pozer  
Ross (Dundas)  
Ross (Wellington Centre)  
Scatcherd  
Snider  
Thompson (Haldimand)  
Tremblay  
Wells  
Wood  
Wright (York West)

Archambault  
Baker  
Beaty  
Bellerose  
Bertrand  
Bown  
Cameron (Inverness)  
Carling  
Carter  
Cayley  
Cimon  
Colby  
Crawford (Leeds South)  
Daoust  
Delorme (Provencher)  
Drew  
Ferguson  
Fortin  
Gaudet  
Gibbs  
Gray  
Heath  
Holmes  
Hurdon  
Keeler  
Langevin  
Little  
McDonald (Lunenburg)  
Masson (Soulanges)  
McCallum  
McGreevy  
Morris  
Munroe  
Nelson  
Perry  
Pouliot  
Renaud  
Ryan (Montreal West)  
Smith (Selkirk)  
Stephenson  
Thompson (Cariboo)

Cheval  
Coupal  
Dorion  
Fortier  
Geoffrion  
Holton  
Kempt  
Lawson  
Magill  
McDougall (Renfrew South)  
Metcalfe  
Morison (Victoria North)  
Pâquet  
Power  
Redford  
Ross (Prince Edward)  
Rymal  
Scriver  
Stirton  
Thompson (Ontario North)  
Wallace (Albert)  
White (Halton)  
Workman  
Young-58

NAYS

Members

Ault  
Barthe  
Beaubien  
Benoit  
Blanchet  
Brousseau  
Campbell  
Caron  
Cartier (Sir George-É.)  
Chauveau  
Coffin  
Costigan  
Cumberland  
De Cosmos  
Dobbie  
Dugas  
Forbes  
Gaucher  
Gendron  
Grant  
Grover  
Hincks (Sir Francis)  
Houghton  
Jackson  
Lacerte  
Lapum  
Macdonald (Sir John A.)  
McDonald (Middlesex West)  
Masson (Terrebonne)  
McDougall (Lanark North)  
Merritt  
Morrison (Niagara)  
Nathan  
O'Connor  
Pope  
Ray  
Robitaille  
Schultz  
Sproat  
Street  
Tilley

June 6, 1872

Tourangeau  
Wallace (Vancouver Island)  
Webb  
Wright (Ottawa County)—89

Tupper  
Walsh  
Willson

The House then went into committee—**Mr. STREET** in the chair.

The Militia estimates were then taken up. On the item of \$33,740 for salaries of military branch and district staff,

**Hon. Sir GEORGE-É. CARTIER** said the contemplated expenditure for the next year was the same as last year, with the exception of \$49,000, which additional sum was necessary to meet the expenses of the enrolment of the militia that was to take place under the Militia Act next March. The enrolment of the entire militia of the country was a necessary proceeding. The number of men in the several classes in the country had to be ascertained; but the enrolment was useful in another respect; it indicated the total population at shorter intervals than that at which the decennial census was taken.

The last enrolment had been of service in that it proved the correctness of the census. That enrolment had been made two years ago, and it showed the aggregate number of militia men in all the Provinces to be 694,000. Of these 321,000 were in Ontario; 222,000 Quebec; 59,000 New Brunswick; and 84,000 in Nova Scotia. If these figures were multiplied by five—the enrolment of militia being about one in five of the population—it would give a total of 3,472,000, which was almost the same number that had been returned by the last decennial census. When the comparison was made in regard to each of the Provinces, the remarkable correspondence between the figures of the enrolment and census would be further observed.

Take Ontario for instance. Ontario, the population of which, according to the last census, was 1,620,000, the last enrolment showed the total number of militia men to be 321,000 which, multiplied by five, gave a total of 1,600,000; the difference being so small as to prove the accuracy of the census.

In Quebec the enrolment gave an aggregate of 222,870; which multiplied by five, gave a total of 1,114,000, or very nearly the figures of the census. In New Brunswick the enrolment gave a total of 59,923; which multiplied by five, made 299,000; while the population by the census was shown to be 285,000.

In Nova Scotia, the militia enrolment showed 84,000; which, multiplied by five, gave 420,000, while the census gave the population at 387,000. He thought this comparison would be accepted by the committee, because it showed, as he had stated at the outset, that the militia census was useful, not only as checking the decennial census, but as giving at shorter intervals an approximate estimate of the total population of the Dominion.

There were two batteries of artillery organized, one at Kingston and one at Quebec, numbering about 240 men—100 at Kingston, and 130 besides officers at Quebec. That at Kingston furnished

twenty men to garrison the fort at Toronto, while that at Quebec supplied twenty men at Montreal, and ten at Point Lévis to take care of the fortifications handed over to the Dominion. For the same sum of money asked the country was obtaining a very useful service.

Besides these two batteries there were 300 men in Manitoba, about seventy of whom were entitled to their discharge, and would have to be replaced, so that the garrison at Fort Garry should be maintained at 300 men. Thus the number of men under arms was about 540 men.

**Hon. Mr. MACKENZIE:** That is the standing army. (*Laughter.*)

**Hon. Sir GEORGE-É. CARTIER:** Yes, and he must acknowledge that they had not in the whole force a more zealous or gallant officer than the member for Lambton (*Hon. Mr. Mackenzie*). The beginning, though small, was a good one. The training in camp last year had had a most beneficial influence on the organization of the active militia, which consisted of about 43,000 men.

Last year arrangements were made for 18,000 or 20,000 men to go into camp, but 23,000 men actually went, and there were complaints that the remainder were not able to take part in the training. This year the Government intended to provide for 10,000 additional men, and this increase was the amount to be voted. Out of 45,000 it was proposed that 33,000 should go into camp, so that there would be no room for complaint from officers or men that they could not participate in the generosity of Parliament.

When the estimates were under discussion last year he explained that the Government had purchased stores and ammunition from the Imperial Government at a cost of about £160,000 sterling, and that it was arranged to pay that amount in three equal annual installments of \$270,000.

Already one installment had been paid, and a similar sum was included in the estimates, and would have to be so again. But he desired to mention that the total amount of the vote asked represented more than the annual expenditure by \$270,000, and every one who at all understood the difficult question of the defence of the country would agree that, with the money placed at the disposal of the government, they did as well as any other country.

The former Adjutant-General, the gallant Col. McDougall, who, to the satisfaction of all who knew him, now occupied such an important position in England, and than whom no one took more interest in the progress of the militia of Canada, had written to him (*Hon. Sir George-É. Cartier*) saying that his Canadian experience was of great service to him in reporting to the Imperial Government on the organization of the army. He would not now go further into the matter, but as the items came up separately, he would be happy to give any explanation that might be asked.

In reply to Mr. Blanchet, **Hon. Sir GEORGE-É. CARTIER** added that the intended promotion of the Adjutant-General and Deputy Adjutants-General, as authorized last session, was under the



consideration of the Government, and he hoped that very soon the intention of last session would be carried out as the promotions were no doubt necessary to correct anomalies that now existed; in addition to the necessity in a military sense, each officer deserved the promotion from the manner in which his duties had been discharged.

**Hon. Mr. MACKENZIE** asked in what way the Imperial works were to be maintained?

**Hon. Sir GEORGE-É. CARTIER** said the item of \$12,500 for the care and maintenance of properties transferred from the ordinance and Imperial Government was intended to cover the expenditure in question. As yet, many repairs had not been needed, nor was it likely that much would be needed, as the Government did not intend in any way to increase the fortifications at present, but simply to maintain what now existed in good repair.

**Mr. CARTWRIGHT** asked whether the amount of \$50,000 asked to provide for 10,000 additional men going into camp for sixteen days was not very inadequate.

**Hon. Sir GEORGE-É. CARTIER** said the only additional item necessary on their going into camp was their rations, which cost about twenty cents a day per man. In reply to Mr. Ross (Prince Edward), he added that, as to the formation and composition of the camps, a meeting had been held, at which all the District Adjutants General were present, and the conclusion arrived at was that no battalion would be forced to enter camp, but that if any declared that they desired to be exempted they could be so.

The Committee then rose, and it being six o'clock the House rose.

## AFTER RECESS

### COPYRIGHTS

A bill was received from the Senate to amend the law with respect to copyrights.

**Hon. Sir FRANCIS HINCKS** said the object of the bill was to protect the copyrights of English authors in Canada. It was in the interest of authors rather than in those of the London publishers, and was approved by some of the most distinguished writers, among them Froude and Carlyle, whose opinions upon the subject he read to the House. It was important that the authors, who were now at issue with the publishers, should be kept on the side of Canada as they were now, because they believed the law proposed would protect their interests. He moved the first reading of the bill.

The motion was carried.

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### RAILWAY BONDHOLDERS

**Hon. Mr. GRAY** moved the House into committee on the bill to do justice to the bondholders in the case of the Houlton Branch Railway Co. of New Brunswick. He said that upon the second reading a discussion had taken place upon the constitutional point involved in the bill. This difficulty he proposed to get rid of by making two amendments, first, by declaring, ex post facto, that the debentures issued by the town of St. Stephen were good, the other giving power to the Local Legislature to pass an act legalizing the debentures.

**Hon. Mr. MACKENZIE** and **Hon. Mr. WOOD** objected that no such power could be given by Parliament, and upon the suggestion of the **Hon. Sir JOHN A. MACDONALD** the bill was allowed to stand over.

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### FRONTIER RAILWAY COMPANY

The amendments made by the Senate to the Act to incorporate the Quebec Frontier Railway Company were read a second time.

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### THIRD READINGS

The following bills passed the preliminary stages and were read a third time and passed:—

Act to incorporate the North-west Company.

Act to amend the Act of Incorporation of the Western Insurance Company.

Act to incorporate the Imperial Guarantee and Loan Society.

Act to incorporate the Canada Improvement Company.

Act to incorporate La Banque Ville Marie.

Act for granting certain additional powers to the Ottawa, Vaudreuil and Montreal Railway Company.

Act to amend the Act incorporating the Canada Central Railway Company.

Act to incorporate the Quebec Pacific Railway Company.

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### SUPPLY

The House then went into Committee of Supply, on the militia estimates, **Mr. STREET** in the chair.

June 6, 1872

**Hon. Mr. HOLTON** had desired to elicit some expression of the policy of the Government.

He had hoped that as the passage of the treaty would establish perpetual amity with the neighbouring country, the Government would have reduced the militia estimates by at least two-thirds, and that they would have saved enough on the militia estimates to neutralize the burden of the construction of the Pacific Railway. Then there would have been tangible results from the Treaty. They ought to diminish their militia expenditure. What had it done for them in the past? What was it doing? What would it do in the future? What need was there for it? It was not only actual expenditure, but the young men were taken from the industry of the country at a great sacrifice. The whole thing was an unmixing evil, without any compensating advantage.

He had hoped the Government would reduce the expenditure to a maximum of \$500,000, which would be quite sufficient to maintain a skeleton organization, with a view to increasing it on emergency. Perhaps at another stage he would take the sense of the House on the question.

**Hon. Sir GEORGE-É. CARTIER** said the hon. gentleman was raising a large question. As his remarks showed he was opposed to any organization of the militia strength in order to maintain peace throughout the Dominion. Taking into consideration the immense extent of territory, the sparse population, and the large number of Indians, estimated at 180,000, the idea that a nation could be formed or the peace maintained without the assistance of a militia force was so childish and unmeaning that it required no reply.

The words of the hon. member, however, would be repeated outside, and therefore, weak as they were, and unavailing as they were, they must have some answer. The idea of a nation not even providing for internal peace was absurd. What was being done this year was only a continuation of a system that had been going on for five or six years. In 1865 when the deputation went to England, it was there agreed that the late Province of Canada should spend for the defence of the country at least \$1,000,000 yearly.

Since then the Dominion had been formed by the addition of all the other provinces and the great Northwest; yet the present expenditure, deducting the amount to be paid to the Imperial Government on the purchase of Stores, \$270,000, only amounted to about \$1,200,000, \$200,000 more than was agreed to be spent by the old Province of Canada, alone. The united organization was a peace establishment necessary for the maintenance of internal peace, and there was no more reason to reduce the expenditure now than there was two or three years ago.

The member for Châteauguay (Hon. Mr. Holton) said no advantage at all was derived. Well, the hon. gentleman was rather of a frozen temperament, and could not realize the enthusiasm of the men of the militia and officers, among them of his neighbour, the gallant Colonel, the member for Lambton (Hon. Mr. Mackenzie) who was one of the most energetic of volunteers.

Then again, there was the gallant Colonel Walter Ross, of Prince Edward, belonging to the same political party, who, when the pay was not forthcoming, was so gallant and generous, that he paid his own men to enable them to answer the call of the country. There were numbers like these, and the member for Châteauguay (Hon. Mr. Holton) should ask them whether what they were doing was no good. It gave an opportunity throughout the length and breadth of the country of showing the militia enthusiasm, and it was most useful in order to maintain the peace of the country, and to give character and zeal to the institutions of the country.

He referred to the efforts being made in England where all energies were being directed towards the reorganization of the army to make it more efficient. In the case of Prussia it was shown what was the advantage of having a good militia organization, and though France was yet bleeding she was reorganizing in order that her further existence as a nationality should not be put in jeopardy as it very nearly was in the recent struggle. The hon. gentleman stated that it was a loss that the young men should be directed from their occupation, but the young men were willing to do so, and they should not be met in their patriotism and zeal by such expressions as those which had fallen from the member for Châteauguay (Hon. Mr. Holton).

**Hon. Mr. MACKENZIE** said our militia system had been so far one of expediency, and it could not be said to be based on any principle. We found an almost universal desire expressed for the ballot, and there could be no question that that was the fairest mode of obtaining militia service. At the same time there was a feeling against anything like a conscription. He was unable to form an opinion as to the particular mode in which the service should be conducted. It was necessary to have a certain body of active militia.

The force has been maintained to a great extent by the excellent spirit prevailing among the people. While thousands of our young men entered the service purely from patriotic motives, many entered in a spirit of frolic and from a liking to play soldiers. It was necessary, therefore, to consider whether it was possible to maintain the force without recourse to the ballot. He was not disposed to take very decided ground with regard to it.

The hon. gentlemen had reasoned that, from new relations consequent on the Washington Treaty, there would probably be no necessity for frontier duty. If that were correct, a much smaller body of men would serve the purpose, and that small body might be maintained more efficiently. As to the annual drill of sixteen days, the whole force should be required to perform it, and it should not be optional with individual bodies to do eight or sixteen days as they might choose, as that would tend to weaken the force. A rule should be laid down peremptory on the point to apply to all.

He advocated an increased rate of pay with a reduced force, so as to render the service more popular, as men could not be expected entirely to sacrifice their time. He disapproved of the system of the periodical numbering of men liable to service. There was an objection in it.



**Hon. Sir GEORGE-É. CARTIER:** We want their names.

**Hon. Mr. MACKENZIE:** Their names could be obtained in Ontario at all events from the assessment rolls. The policy of the Government in not proposing to spend any money on the construction of fortifications without the consent of Parliament was good. He was glad of it, and he was under the impression that the present fortifications were useless, and if the Americans set their hearts on the Kingston fortifications they could not be prevented from taking them. While perhaps it might be necessary to have a body of men to take charge of those fortifications he disapproved entirely of organizing a standing army, and would oppose any vote for such a purpose. He thought six months instead of twelve was sufficient for instruction in artillery practice.

**Hon. Mr. ANGLIN** protested against the doctrine that the young men should be compelled to attend camps at inconvenient seasons, and did not approve of the system of ballot, as a sufficient number of volunteers could be obtained without it. As to the principle of camps, he was bound to approve of it, as it was a system which he had advocated in New Brunswick. He enquired as to the position of the question of taking over the Imperial property at St. John, which he considered ought to revert under the terms of the charter to the city.

**Hon. Sir GEORGE-É. CARTIER** explained that the Militia system was based on a purely voluntary principle, and the ballot would only be resorted to when the former failed to procure the number of men required. If the ballot system were adopted there would have to be a register of all men, fit for service. No doubt a majority of assistant adjutants-general were in favour of the ballot, but he was happy to say there was no present necessity for it. (*Hear, hear.*)

It might prove to be necessary in cities and other localities where heads of large commercial establishments tried to prevent their employees from enlisting, and it ought first to be applied in such cases so that employers themselves might be withdrawn, and they would not then prevent their employees from joining. In the rural districts the men came forward voluntarily.

As to the enrolment system, he did not believe the assessment roll sufficient for the purpose, as it would be necessary to have a roll of service men that could be depended on. The disorganization of the French army was owing to the defective enrolment. He had not been aware of the existence of any camp system in New Brunswick, and certainly had not borrowed his ideas from that province.

As to the Imperial property at St. John, he explained that it was claimed by the city, while the Dominion held that it was competent, under the charter, for the Imperial Government to transfer it to them for militia purposes, and the matter was not yet decided.

**Mr. ROSS (Prince Edward)** disapproved of the sixteen days' drill at a time when men were most required in the country. He thought they should be drilled at some more convenient time of the year, and maintained that the pay should be increased to \$1.25 per day, and that they should be supplied with canvass frocks for the warm weather.

**Hon. Sir GEORGE-É. CARTIER** said he would increase the pay readily if it were in his power, but the matter rested entirely in the hands of the House. He was quite aware that volunteers had to suffer many hardships, but his advice to them was to wait patiently. The system was growing, and the country was beginning to understand that fifty cents a man per day and rations was very insufficient, and he hoped that the opinion on this point expressed by the members for Lambton (Hon. Mr. Mackenzie) and Prince Edward (Mr. Ross) would soon extend over the country, and that before long, when public opinion was ready, he might be in a position to increase the pay, and when that time came he would be quite ready to act in that way.

**Mr. JOLY** thought the volunteers deserved all sympathy, and the expressions of the Minister of Militia (Hon. Sir George-É. Cartier) must give them hope that their pay would be increased. He thought, however, that their comfort might be very much increased by a little care and attention. In the camps frequent complaints were heard of small discomforts which might easily be removed, but which created greater discontent than the small pay. He believed that the Minister of Militia (Hon. Sir George-É. Cartier) acted to the utmost of his abilities, but greater attention on the part of his subordinates would remove many grounds of complaint, as he believed the numbers and the enthusiasm were decreasing on account of the want of attention to their wants.

**Hon. Sir GEORGE-É. CARTIER** said last year the matter was on its first trial, and evils would be removed as experience brought them to the surface.

**Mr. SPROAT** denied that there was any decrease in the number of volunteers in consequence of inattention to their comforts on the part of subordinate officers of the camps. He took a deep and warm interest in the volunteer movement, and so far from believing that the force was falling off, he believed that, under the able management of the present Minister and Adjutant-General, it was improving, at any rate in the section of the country to which he belonged.

He did not think there was any just ground of complaint against the department, and in many battalions where complaints had arisen they were owing to a great extent to want of activity and attention on the part of the commanders of these battalions. It would be well, perhaps, to grant a larger amount of rations than last year, as our volunteers from rural parts required more food than was served out to regular troops. The only complaint made at Goderich, last year, where 4,000

June 6, 1872

men were in camp, was that the rations fell short.

**Mr. OLIVER** complained that the 22<sup>nd</sup> Battalion, Oxford, had been unjustly treated in the Adjutant-General's report, by being represented as inferior to the 23<sup>rd</sup> Battalion, when the figures given in another part of the report showed that the companies of the 22<sup>nd</sup> Battalion mustered stronger in camp.

**Hon. Sir GEORGE-É. CARTIER** said there might have been some error in printing. If there was a complaint, it should have been represented to the Department.

**Mr. ROSS (Victoria)** complained that letters written to the Department had remained unanswered.

**Hon. Sir GEORGE-É. CARTIER** could not believe there had been any inattention, but would make enquiries.

**Mr. OLIVER** contended that if a complaint was made in Parliament it ought to be sufficient to compel attention without being under the necessity of entering into correspondence with the department.

**Mr. BOWELL** thought that, in order to maintain the force in an efficient state, some other plan must be adopted than that of volunteering. The opinion of many good officers was that it would be necessary in the end to adopt the ballot system, the conscription, in fact, though he knew that it would meet with strong objection.

As to complaints that had been made again employers, he took exception to their being called selfish because they refused their men permission to turn out on certain occasions for drill. He knew that in past times of excitement and danger many employers had not only allowed their men to turn out, but had continued their wages during their absence.

**Hon. Sir GEORGE-É. CARTIER** said his remark did not apply to the whole body of employers; only to some few in Toronto, Montreal, and other places.

**Mr. BOWELL** thought that in any case they could not properly be called selfish, for of course they might be put to great inconvenience and loss by the absence of their men at certain seasons. The only equitable plan would be to compel the employers themselves, as well as everybody else in the community who was qualified, to turn out and do duty. If it was desirable to keep up an efficient force, and he was not of those who held that it was not, every man should be compelled to do his share. At the risk of unpopularity, he would say that the pay of the volunteers should not be increased. The country could not afford to pay for this service the same rates as were ordinarily paid for labor, during camp instruction.

He believed it would be sufficient if camps were assembled once in three years, instead of annually as at present. Company and battalion drill at home, where it was continued systematically, made the men more effective than camp duty for a couple of weeks in

summer, and answered every purpose. He hoped the Minister of Militia would return to the old system of company drill more frequently, and camp instructions at intervals of three years.

He was one who believed the force should be maintained in the highest attainable state of efficiency; but they all might differ, and honestly differ, as to the manner in which that should be done. If the force was to be merely a force for display, if it was to be so organized as to exist only about a month before the annual encampments, and to dissolve into thin air, it would be of very little value. The best plan to prevent this would be the plan he had proposed some years ago, to divide the country into battalion, regimental and company divisions, and to require each division to make up its quota of men for active service. By that means a really good and effective force would be obtained, and until it was adopted, there would be always difficulty and dissatisfaction.

**Mr. BROWN (Hastings West)** said nothing could more dampen the enthusiasm of the volunteers than the manner in which they had been treated in camp. Last year the rations provided were insufficient, and there were articles wanting, such as butter and milk, which the men were in the habit of using, and which it was a serious deprivation to be without. Dry bread and coffee, without milk, were hardly sufficient to preserve the stamina of men for a hard day's work. A great deal of complaint had been made on this score, as well as with regard to other arrangements of the camps, and if there was not a general improvement very few men comparatively would turn out in future.

**Mr. JONES (Leeds North and Grenville North)** said the volunteers had acted nobly in the past years, and it appeared remarkable to him that they should have shown so much spirit when the manner in which they had been treated was taken into consideration.

He did not agree with the hon. member for Hastings West (Mr. Brown) in regard to the ballot, which in his (Mr. Jones') county, and he believed generally, could not be enforced unless with the aid of regular soldiers. With regard to rations and treatment in camps, it was a mistake to confine the men to the same diet, and subject them to the same stringent discipline as regular troops in England. There ought to be some relaxation, and the force would be none the worse on that account. Indeed a great error had been committed by the introduction to such an extent of gentlemen from England to manage our volunteer force.

**Mr. THOMPSON (Haldimand)** pointed out that the effectiveness of the force was greatly impaired by men putting substitutes into the ranks for service in the encampments. The camps were thus made of doubtful utility. In many cases, he did not doubt, that battalion drill had done more good than camp services. He had been told upon good authority at the camps, especially after the arrival of the Minister of Militia (Hon. Sir George-É. Cartier), there had been a good deal more fuss and feathers than real useful work. (*Laughter.*)



If the Minister paid more attention to the internal arrangements and management of those camps than he did the interesting camp behind him in this House would be much better. (*Laughter.*) At Windsor last year the camp was opposite a large city where there was a great deal of immorality, and where many of the men had contracted diseases which they would perhaps never get rid of. If the Minister would look into that matter with a view to preventing the men's being exposed to such dangers in future, he might perform good service to the country.

The item passed.

On the item of \$75,000 for contingencies and general service including assistance to Rifle Associations,

**Hon. Sir GEORGE-É. CARTIER** said the Government proposed to devote \$4,000 towards paying the expenses of sending twenty men to compete at Wimbledon instead of giving the money to the Dominion Rifle Association as heretofore.

**Mr. STEPHENSON** complained of the manner in which the regulations had been framed. They excluded the best shots from the rural parts and confined the number to be sent to England to men from Toronto, Montreal and other cities. He thought injustice had been done to the country places.

**Mr. BOWELL** predicted that the experiment would prove a failure, and before it was resolved upon would take the sense of the House upon it. He agreed with the hon. gentleman that many good shots from the country had been shut out, and did not think that \$4,000 should be appropriated merely to send a few gentlemen to England from Toronto, Montreal and other cities.

The item passed.

**Hon. Sir GEORGE-É. CARTIER** in reply to Hon. Mr. Mackenzie, said it was proposed to rebuild the gunboat Rescue, which was now in course of repair.

The item passed together with the remaining items under the head of militia.

The Public Works estimates were again taken up. On the item of \$225,000 for harbours on lakes Erie and Huron,

**Mr. CAMERON (Huron South)** said that from the unskillful manner in which the work had been done the Government were under the necessity of doing it over again. The dredging had drifted back into the excavations owing to the work having fallen into the hands of men who were not skilled in such work.

**Hon. Mr. LANGEVIN** said that blunders might have been committed. Contractors were as liable to such things as other people. As his attention had been again called to the matter, an

engineer would be sent to enquire into it.

The item passed.

On the item of \$12,000 for tug service between Montreal and Kingston,

**Hon. Mr. MACKENZIE** said he could not understand the necessity for this vote. The trade of the river ought to pay for itself.

**Hon. Mr. LANGEVIN** explained that this vote was to encourage the navigation of the St. Lawrence, one of the conditions being that they should tow at certain rates.

**Hon. Mr. MACKENZIE** maintained that it was not necessary and thought it was not defensible.

The item passed.

On the item of \$16,000 for Kingston Penitentiary,

**Hon. Mr. MACKENZIE** asked whether any persons had been removed from this Penitentiary to Lower Canada. He thought these institutions should yield a revenue as in other countries.

**Hon. Sir GEORGE-E. CARTIER** said the Penitentiary was overcrowded, but the Government was preparing to remove as many as possible to the penitentiaries to be constructed near Montreal.

The item was carried.

On the item of \$9,000 for directors for the Penitentiaries,

**Hon. Mr. ANGLIN** thought that those gentlemen could not have work enough, and as vacancies occurred they should not be filled.

**Hon. Sir GEORGE-É. CARTIER** said it was intended to increase the number of penitentiaries in the Dominion, and their services would be necessary.

**Hon. Mr. MACKENZIE** thought it unlikely that an officer would be sent to British Columbia for that purpose. One officer did the work in connection with all the prisons in Ontario, and he agreed with the member for Gloucester (Hon. Mr. Anglin) that there was not work enough from them. He advocated a system of local inspection to do away with the necessity for travelling expenses.

**Hon. Mr. TUPPER** said that these officers had important duties to perform. They had to look into the complaints of prisoners, and it was better that a responsible board at headquarters should be charged with the duty.

The item carried.

The Committee then rose and reported, and the House adjourned at 12.45 p.m.

June 6, 1872

## HOUSE OF COMMONS

Friday, June 7, 1872

The SPEAKER took the chair at 3.15 p.m.

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*Prayers*

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## MISCELLANEOUS

**Hon. Mr. CAMERON (Peel)** moved that an index of the Journals be continued from the time of the last index.

**Hon. Sir GEORGE-É. CARTIER** presented the report of the Committee on Railways, submitting two acts of incorporation for building the Pacific Railway.

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## TREATY OF WASHINGTON

**Hon. Mr. ABBOTT** asked before the orders of the day were called, whether there was any definite information respecting the Treaty of Washington.

**Hon. Sir JOHN A. MACDONALD** said there was a telegraphic communication to the Associated Press which contained most satisfactory information. A communication from General Schenk to Lord Granville had been considered so satisfactory that the announcement was received with cheers in the House of Lords, and Earl Russell had withdrawn his motion. (*Cheers.*)

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## PRINTING

**Mr. SIMARD** complained that no report had been received from the Printing Committee on Mr. Taylor's contract for printing. (*Cries of Order.*)

The SPEAKER ruled him out of order in speaking of what had taken place in a committee.

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## GREAT WESTERN RAILWAY

**Hon. Mr. CAMERON (Peel)** moved the first and second reading of the amendments by the Senate to the Great Western extension.—Carried.

## PATENT ACT

**Hon. Mr. POPE** moved the reading of the Act respecting patents of invention. He said the House desired that the bill should include patents taken out during the last five years. He must submit, but he was opposed to it.

**Mr. CURRIER** thought we should not go back more than twelve months. If any patents had been worth taking up, they would have been taken up.

**Hon. Mr. CHAUVEAU** did not see why we should make any restrictions as to the time. Old patents were just as good as new ones and there was no reason why a man should be restricted from buying an old patent. He would therefore move in amendment that the following be substituted for the 7<sup>th</sup> Clause: "No patent obtained for an invention patented in another country shall operate against any bona fide manufacturer of the patent article in the Dominion at the time of the passing of the bill, and such patent shall expire at the same time as the foreign patent, unless the latter is renewed, in which case it shall exist as long as the next patent."

**Hon. Mr. MACKENZIE** thought it would produce a bad effect to go back a number of years. Parties who had begun to manufacture under a patent should be protected. The amendment suggested by the hon. member for Quebec County (Hon. Mr. Chauveau) would never be carried by the House, and it was scarcely fair to introduce it now after the subject had been discussed. If it were pressed he would oppose it to his utmost.

**Mr. CAMERON (Huron South)** hoped the amendment would be accepted. He was satisfied with the bill generally, but it did not go far enough, and he saw no reason why the time should be limited to twelve months.

**Mr. COLBY** agreed with the hon. member for Huron South (Mr. Cameron). We had been doing ourselves an injury by withholding privileges with regard to patents. The principle having been adopted, he saw no reason why the time should be limited. Full scope should be given as in other countries in order to test its advantages. If there were danger that it would interfere with existing manufacturers in this country, it should not be adopted, but the amendment, in fact the bill itself, expressly provided against that.

**Mr. SCATCHERD** said the amendment was in the interest of spectators and not of the country, and he hoped it would not be carried.

**Hon. Mr. McDOUGALL (Lanark North)** agreed with the last speaker. There had been a very liberal concession to foreigners, and



the effect of the amendment would be to introduce a swarm of applicants into the country who had got possession of patents for inventions which they had not invented. The bill as it stood would protect the honest inventor and that was the principle upon which the patent laws had been based; and we should consider the interests of our own people first.

**Mr. YOUNG** considered that the old law was too illiberal; but the proposed alteration would go too far in the other direction, and he would oppose the amendment.

**Hon. Mr. CHAUVEAU** again urged his proposition, and contended that all the arguments that had been used against it could be used against the bill itself.

**Hon. Mr. GRAY** pointed out that the law of the United States did not allow patents to be made out if the article had been in use for more than two years. The proposition of the hon. member for Quebec County was therefore more limited than the law in the United States.

**Mr. COLBY** insisted that the amendment went far beyond the American law, because it declared that no patent whatever could be obtained for any article in use a year in this country, and not only that but persons now using patents were fully protected.

The amendment was then put and lost on a division.

**Hon. Mr. CHAUVEAU** then moved, seconded by **Mr. COLBY**, another amendment that in the seventh clause the words "five years" be inserted instead of the words "twelve months;" and that the following words be added: "That the renewal of a patent in another country shall be considered for all the purposes of this clause as an original granting of the same." The clause thus proposed to be amended stands as follows in the bill:—"1. An inventor shall not be entitled to a patent for his invention; if a patent, therefore, in any other country shall have been in existence in such country more than twelve months prior to the application; for such patent in Canada, and under any circumstance which a foreign patent existed, the Canadian patent shall expire at the earliest date at which any foreign patent for the same invention expires."

**Mr. SCRIVER** supported the amendment as being a liberal proposition.

**Mr. BROWN (Hastings West)** hoped the amendment would not pass, and that the Minister of Agriculture (Hon. Mr. Pope) would leave his bill as it stood. It was sufficiently liberal to answer every purpose.

The members were called in and the House divided upon the amendment, which was lost upon the following division:—Yeas, 25; Nays, 119.

*(Division No. 37)*

YEAS

Members

Barthe

Beaubien

Bellerose  
Brousseau  
Chauveau  
Connell  
Dugas  
Gendron  
Gray  
Masson (Terrebonne)  
Ryan (Montreal West)  
Shanly  
Tourangeau  
Workman—25

Abbott  
Ault  
Beaty  
Benoit  
Bodwell  
Bourassa  
Bowman  
Brown  
Cameron (Inverness)  
Campbell  
Caron  
Cartwright  
Cheval  
Cimon  
Coupal  
Crawford (Leeds South)  
Currier  
Delorme (Provencher)  
Dobbie  
Drew  
Ferris  
Fortier  
Geoffrion  
Grant  
Hincks (Sir Francis)  
Houghton  
Jackson  
Kempt  
Langevin  
Lawson  
Macdonald (Sir John A.)  
Mackenzie  
McCallum  
McDougall (Lanark North)  
McDougall (Trois-Rivières)  
McKeagney  
Merritt  
Mills  
Morison (Victoria North)  
Munroe  
Nelson  
Oliver  
Perry  
Pope  
Redford  
Robitaille  
Ross (Prince Edward)  
Ross (Wellington Centre)  
Rymal  
Smith (Selkirk)  
Sproat  
Stirton  
Thompson (Cariboo)

Blanchet  
Cameron (Huron South)  
Colby  
Costigan  
Gaudet  
Gibbs  
Masson (Soulanges)  
Ross (Champlain)  
Scriven  
Simard  
Webb

NAYS

Members

Anglin  
Baker  
Bécharde  
Blake  
Bolton  
Bowell  
Bown  
Burpee  
Cameron (Peel)  
Carling  
Cartier (Sir George-É.)  
Cayley  
Chipman  
Coffin  
Crawford (Brockville)  
Cumberland  
De Cosmos  
Delorme (Saint-Hyacinthe)  
Dorion  
Ferguson  
Forbes  
Fournier  
Godin  
Grover  
Holton  
Hurdon  
Keeler  
Lacerte  
Lapum  
Little  
McDonald (Lunenburg)  
Magill  
McConkey  
McDougall (Renfrew South)  
McGreevy  
McMonies  
Metcalf  
Morris  
Morrison (Niagara)  
Nathan  
O'Connor  
Pelletier  
Pinsonneault  
Pozer  
Renaud  
Ross (Dundas)  
Ross (Victoria, N. S.)  
Ryan (King's, N. B.)  
Scatcherd  
Snider  
Stephenson  
Street  
Thompson (Haldimand)

June 7, 1872

Thompson (Ontario North)  
Tremblay  
Wallace (Albert)  
Wells  
White (Halton)  
Wright (Ottawa County)  
Young—119

Tilley  
Tupper  
Wallace (Vancouver Island)  
White (Hastings East)  
Willson  
Wright (York West)

**Hon. Mr. CHAUVEAU** said that after that vote the hon. member for Lambton (Hon. Mr. Mackenzie) need not talk about Coalitions. (*Laughter.*)

**Hon. Mr. MACKENZIE** said that he helped the Left when they were right. (*Hear, hear.*) The bill was then read a third time and passed.

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### MISCELLANEOUS BILLS

On the motion of the **Hon. Mr. TILLEY** the bill respecting the appointment and powers of Commissioners of Pilots for the coasts and harbours of the county of Charlotte was read a third time and passed.

On the motion of the **Hon. Mr. TUPPER**, a bill respecting the shipping of seamen in Nova Scotia was read a second time. The House went into committee upon the bill, which being reported, was read a third time and passed.

The Act to provide for the appointment of a Harbour Master at the Port of Halifax was, on the motion of the **Hon. Mr. TUPPER**, read a second time and passed.

On the motion of the **Hon. Mr. POPE** the House went into Committee on the Act to provide for the incorporation of Immigration Aid Societies. He had amended the Act so as to meet as far as possible the objections of the member for Lambton (Hon. Mr. Mackenzie), not because he believed that there was anything in it unconstitutional, but so that there might be no doubt on the question.

The Bill passed through Committee, was read a third time and passed.

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### NORTH WEST LANDS

**Hon. Mr. MORRIS** moved the second reading of the Act respecting the Public Lands of the Dominion. He desired shortly to explain the nature of the bill. It referred to the whole of the Dominion Lands in Manitoba and the Northwest, to the regulation of timber limits, the carrying on of the surveys, the appointment of surveyors, and to other matters connected with the lands. It placed the lands under charge of the Secretary of State for Canada, constituting a new branch of his department, to be called the Dominion Land Office. The surveys would be performed by contract. With regard to the Hudson's Bay Co.

lands, the bill provided that the rights of any settlers already on the lands would not be interfered with.

Provision was also made for a fund arising out of the sales of the lands for the support and maintenance of schools for the Northwest, and for that purpose two sections out of every township were set apart. Provisions were also made for the allotment of lands to volunteers entitled to them, and for the issue of patents to persons who had purchased from volunteers.

When the land regulations were before the House last year, it was suggested that the lands might be disposed of in three ways, direct purchase, pre-emption, or by the homestead system; and it was urged that the system of pre-emption was carried out in the United States, but it was thought better to introduce the systems of homestead and by direct purchase in the present case. The price put on the lands was \$1 per acre, and no greater quantity would be sold to one person than 640 acres. Power was taken to set aside town lots in places where villages and towns were springing up, or where they would probably spring up. The bill also provided that anyone over 21 years of age should be entitled to take up a quarter section as a homestead.

One difficulty which it was apprehended would be met with was in the matter of fuel, and the bill provided that wood lands should be set apart and allotted to settlers in lots of not less than 10 or more than 20 acres. Authority was taken to grant grazing lands to intending occupants, and the hay lands would be dealt with in the same way. It was proposed to give liberty to any person to explore for minerals in the territory, but in surveyed townships the mining lands would be sold in subdivisions, but those in the unsurveyed territory would be disposed of in blocks of eighty acres. The provisions of the bill would only apply to lands in respect of which the Indian titles were extinct.

The act also dealt with a matter of great importance, that of the coal deposits, which were known to exist on the Saskatchewan, and in different parts of the territory. Such lands would not be subject to rights of squatters in advance of the surveys, and after such surveys would be offered for sale in blocks of 640 acres; and power was taken to prevent the lands falling into one hand. Another matter of great consequence was the mode in which the timber lands, as distinguished from the wood lands, should be dealt with, and it had been thought desirable in this to hold out every inducement to men of capital to take possession of the timber limits subject to the regulations of the Government and on such terms as would give them a direct interest in conserving the timber as far as possible and making as much as possible out of it, and so prevent the waste that had gone on in the past in other Provinces. The timber limits proper were to be offered by public sale to the highest bidder at a bonus per square mile,



and a lease would be granted for twenty-one years, the lessee being bound to erect a saw mill. The lands would be offered to lessees on a ground rent of two dollars a square mile, with a royalty of five per cent per annum. Provisions were also made in respect of slides and for public use of all streams and lakes for floating timber.

Surveyors in any of the provinces of Canada were authorized to act as surveyors in Manitoba and the Northwest and a Board of Examiners was to be provided for parties desiring to become surveyors. The act was based on the regulations submitted to the House last Session and on the experience of the older Provinces of Ontario and Quebec, and every effort had been made to deal with the whole subject in such a spirit as would induce emigration and deal fairly and justly with the settlers already in the country. The matter was one of greatest interest to the House and the country, and he hoped it would receive careful consideration.

On the motion to go into Committee,

**Mr. MASSON (Terrebonne)** asked whether it was provided that the old settlers should not be interfered with in their right to cut hay.

**Hon. Mr. MORRIS** said the Manitoba Act provided that those rights should be inquired into and dealt with fairly and justly by the Lieut. Governor in Council.

**Mr. MASSON (Terrebonne)** thought new settlers should not go in until these rights were confirmed or compensated.

**Hon. Sir JOHN A. MACDONALD** said the bill treated of the whole public lands of Manitoba and the Northwest, and did not relate to the particular right of cutting hay. Surveys, however, were now being conducted, and parties would file their claims with the Dominion Lands Commissioners on the spot, and those claims would be estimated and properly compensated.

The House then went into Committee, when a conversation took place on the subject of roads, **Hon. Sir GEORGE-É. CARTIER** explaining that it was necessary that in Manitoba the roads should be unusually wide, and the matter was based on the experience of those personally acquainted with the country, the member for Lisgar (Mr. Schultz) among the number.

**Mr. MILLS** suggested that the townships should be made eight miles square, giving sixty-four sections instead of thirty-six.

**Mr. DELORME (Provencher)** maintained that the roads should be as wide as possible as the country was very muddy.

**Hon. Mr. McDOUGALL (Lanark North)** said that as the country became settled the roads would be improved and the mud would disappear. No more territory should be given for roads than necessary. Sixty-six feet was quite enough, and he

thought the matter should not be decided in the Act by a cast-iron rule, but room should be left for the experience of the future.

**Hon. Mr. MACKENZIE** suggested that the main road should be made wide while others might be narrower, and so a great saving of land would be affected.

The Committee rose, and it being six o'clock the House rose.

## AFTER RECESS

### A PATENT

**Hon. Mr. CHAUVEAU** moved the second reading of the Act to authorize Joseph E. Archer to take out a patent of invention known as "Hollin Robert's Knitting Machine and Loom."

**Hon. Mr. MACKENZIE** hoped the Premier would not allow the Act to pass.

**Hon. Mr. HOLTON** said the primary objection was that the bill established an exception to the bill respecting patents, which had only just passed.

**Hon. Sir JOHN A. MACDONALD** said that the bill should be governed by its own merits, and no doubt the member for Quebec County (Mr. Chauveau) would explain the peculiar circumstances of the case.

**Hon. Mr. CHAUVEAU** explained and hoped that the bill would be allowed to pass.

**Hon. Mr. McDOUGALL (Lanark North)** said it would be a bad precedent.

**Hon. Mr. CHAUVEAU** denied this, as the patent policy was now well defined.

**Hon. Mr. McDOUGALL (Lanark North)** still objected, as the bill proposed to give a monopoly of a patent which otherwise could now be generally purchased. It would be a violation of the principle of the bill just passed.

**Hon. Mr. CHAUVEAU** said that the case had happened immediately on the threshold of a new policy which was now defined.

**Hon. Mr. MACKENZIE** said the bill simply asked authority to tax the people of Canada for the benefit of the patentee.

**Hon. Mr. CHAUVEAU** said the general bill would give the same power to an unlimited number of people.

June 7, 1872

**Hon. Mr. MACKENZIE** still objected most strongly, and was surprised that the Government did not take a firm stand in opposition to the bill. He hoped the House would not allow the special privileges asked, and show that the House was not in favour of the class legislation.

**Hon. Mr. CHAUVEAU** thought that the member for Lambton (Hon. Mr. Mackenzie) had shown very unnecessary warmth and made a large matter out of the small one. The case had occurred before, and having stated the case, he submitted it to the House, simply stating that he thought the bill should be passed, as the patent was bought at a time when the policy was in course of change.

**Hon. Mr. HOLTON** said the facts of the case being stated, he asked the Government whether they would sanction the bill establishing an exception to their own bill passed only a few hours previously.

**Hon. Sir GEORGE-É. CARTIER** said when the leader of the Government was in his seat, he would state his view. He did not think the discussion was yet exhausted.

**Hon. Mr. MACKENZIE** said the bill was a gross injustice to them.

The debate was then adjourned.

\* \* \*

BILLS ADVANCED

**Mr. SMITH (Selkirk)** moved the second reading of the Act to incorporate the Manitoba Insurance Co.—Carried. The Bill then passed through Committee, was read a third time and passed.

**Hon. Mr. GRAY** moved the second reading of the Act for the relief of John Robert Martin.

**Hon. Mr. DORION** moved that it be read a second time this day three months.

The members were called in, and the vote on **Hon. Mr. DORION’S** motion resulted as follows: —Yeas, 67; Nays, 61.

(Division No. 38)

YEAS

Members	
Anglin	Archambault
Barthe	Beaubien
Béchar	Bellerose
Benoit	Blanchet
Bourassa	Cameron (Huron South)
Cameron (Inverness)	Caron

Cartier (Sir George-É.)
Chauveau
Cimon
Costigan
Crawford (Brockville)
Delorme (Provencher)
Dorion
Fortier
Fournier
Gaudet
Gendron
Holton
Jones (Leeds North and Grenville North)
Kempt
Langevin
Masson (Terrebonne)
McGreevy
Oliver
Pelletier
Pouliot
Pozer
Robitaille
Ryan (Montreal West)
Simard
Stephenson
Thompson (Haldimand)
Tremblay
Wright (Ottawa County)—67

Cayley
Cheval
Connell
Coupal
Daoust
Delorme (Saint-Hyacinthe)
Dugas
Fortin
Gaucher
Geoffrion
Godin
Hurdon
Keeler
Lacerte
McDonald (Middlesex West)
McDougall (Trois-Rivières)
McKeagney
Pâquet
Pinsonneault
Power
Redford
Ross (Champlain)
Scatcherd
Sproat
Stirton
Tourangeau
Webb

NAYS

Members
Beaty
Bolton
Bowman
Cameron (Peel)
Cartwright
Coffin
De Cosmos
Drew
Forbes
Gray
Heath
Jackson
Lapum
Little
McDonald (Lunenburg)
McConkey
McDougall (Renfrew South)
Merritt
Mills
Morison (Victoria North)
Nathan
Ross (Dundas)
Schultz
Shanly
Snider
Thompson (Cariboo)
Wallace (Albert)
Walsh
White (Hastings East)
Workman

Abbott
Blake
Bowell
Burpee
Campbell
Chipman
Crawford (Leeds South)
Dobbie
Ferris
Gibbs
Grover
Hincks (Sir Francis)
Kirkpatrick
Lawson
Macdonald (Sir John A.)
Mackenzie
McDougall (Lanark North)
McMonies
Metcalf
Morris
Morrison (Niagara)
Nelson
Ross (Victoria, N. S.)
Scriver
Smith (Selkirk)
Street
Tilley
Wallace (Vancouver Island)
White (Halton)
Willson
Young—61

The Act to incorporate the Canada Pacific Railway Company was read a second time, passed through Committee, and was read a third time and passed.

The Act to incorporate the Interoceanic Railway Company of Canada, similarly passed the intermediate stages, and was passed.



## REPRESENTATION BILL

**Hon. Sir JOHN A. MACDONALD** moved the second reading of the Bill to readjust the representation in the House of Commons.

**Mr. WORKMAN** stated that he expected petitions from Montreal on the subject, and would submit them tomorrow.

**Hon. Mr. MACKENZIE** said it was probable that amendments would be moved to this bill, and as it might perhaps be more convenient to take the discussion at the time of moving them he did not propose personally to enter into a discussion tonight. He would simply allude to the construction of the bill, setting, as it did, deliberately at defiance, to a great extent, the principle of representation by population, which was adopted at the time of the Union.

It might be said and no doubt would be that the principle was adopted with reference only to the provinces; that it was an inter-provincial arrangement. While that was quite true so far as the face of the constitution went, the fact that they adopted it at all showed it must apply to constituencies and sections of provinces as well as to provinces themselves, so far as such representations could be obtained without disturbing existing constituencies. The bill did not do this, and they found that some of the more populous districts were wholly left without additional representation. In the counties of Huron, Lambton, Kent and Essex, this was particularly apparent. In the counties of Essex and Lambton, for instance, there was a population of 80,000 having but three members. They should have an additional member, and that would leave six or seven thousand more than the required number. These discrepancies and inequalities were so very apparent that it was only necessary to mention them.

There was also a manifest attempt on the part of the honourable gentleman to manipulate the constituencies which were affected, in order to secure a majority for his own political friends in some of them. It was altogether the most flagrant thing of the kind he had ever witnessed in Parliament. That was a matter which required to be dealt with perhaps more particularly by those who represented the localities so injuriously affected because it was evident that in the matter of parliamentary or elective representation, regard should always be had as far as possible to those compact divisions which were arranged for municipal purposes, and also for ordinary convenience in shape and contiguity. That had been totally neglected in this Bill, and apparently without any other reason. No other was given, at all events, except that it was done purely and entirely for political purposes. (*Hear, hear.*)

He did not propose to enter fully into the discussion now; but, on taking concurrence, he did propose to call the attention of the House to the matter, and move some amendments to the scheme now before it. The scheme was not one of such a kind as to

command the confidence of the country in the shape in which it was now presented. While additional members were to be given in some instances in the right places, in others, without any reference or regard being had to population or other circumstances, no changes were proposed.

The hon. gentleman (Hon. Sir John A. Macdonald) was reported to have said, when introducing the Bill, that manufacturing interests were to be considered in the representation. In the country he Hon. Mr. Mackenzie represented (Lambton) there was a manufacturing interest, larger, more wealthy and more important than almost any other constituency in Canada possessed. (*Hear, hear.*) Within a radius of five or six miles there were not less than two or three hundred engines engaged in pumping oil, and the vast refineries employed in refining the same article showed how largely manufacturing interests could be represented in that quarter, if the hon. gentleman was attaching importance to that point. They had not only population, but wealth, manufacturing interests, and every other interest which desired or required Parliamentary representation. He mentioned this merely as an instance, for in a matter of such importance he looked to general principles and not to local interests. This showed that the principles the hon. gentleman himself advocated had been deliberately set at defiance, and the same thing might be said in reference to other quarters. The bill as it stood was therefore one that was open to objection and one that must be opposed in some of its features when they came to another stage.

**Hon. Sir JOHN A. MACDONALD** said he quite understood that the measure would receive a reasonable amount of opposition, and the Government would be prepared to discuss the objections taken on concurrence.

The House went into Committee on the bill with the understanding that it would not be proceeded further with tonight, but would be the first order tomorrow.

The Committee rose and reported.

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## BRIDGES

**Hon. Mr. LANGEVIN** moved the second reading of the bill respecting bridges.—Carried. The bill was then referenced to the Committee of the Whole, reported and read a third time and passed.

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## HUDSON'S BAY COMPANY

**Hon. Sir FRANCIS HINCKS** moved the reading of the bill to amend the Act respecting the loan for paying a certain sum to the Hudson's Bay Company.—Carried. The bill was then

June 7, 1872

referred to Committee of the Whole, reported and read a third time and passed.

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### TONNAGE DUES ON THE ST. LAWRENCE

**Hon. Sir FRANCIS HINCKS** moved the House into Committee on the resolution to provide a sinking fund by the imposition of tonnage and wharfage dues at Montreal, to make good the sum vested for improving the navigation of the St. Lawrence between Montreal and Quebec. He explained the object of the resolution and referred to the statements of dues received at the Port of Montreal up to the time of their abolition, for the purpose of showing the great increase in the revenue. In 1855, the tonnage dues were \$6,307 and in 1869 they increased to \$65,490. He had been absent from the country during this period, but it was gratifying to see such a great increase in the trade of the country.

During this time tonnage dues of fifteen cents had been imposed, but owing to the great increase 3 1/4 cents would be sufficient. There was a difference of opinion in Montreal as to how this money should be raised, but all admitted the reasonableness of the proposition that it should be provided in some way from local sources. The view of the Government was that one-half should be from wharfage and the other from tonnage. There would be ample means to meet the expenditure, and there would be no charge on the Dominion treasury.

**Hon. Mr. MACKENZIE** asked whether it was intended that dues would be charged on grain elevated from barges to vessels.

**Hon. Sir FRANCIS HINCKS:** Yes.

**Hon. Mr. MACKENZIE** said it was for the representatives from Montreal to consider whether this, being a tax on all the trade of harbour, would not operate prejudicially to the interests of the city. Complaints were already made of defective accommodation in the harbour, and this would be an additional burden.

**Mr. WORKMAN** said the harbour dues were very light as compared with other ports, and if the trade continued to increase as it had done, the Government would be able to reduce those tolls one-half. No doubt increased accommodation was required, but the Harbour Commissioners were giving out contracts every year for that purpose, and they had ample funds to meet the cost. He advocated enlarged representation of the Harbour Trust. As at present constituted it did not meet with entire approval; the number was too small.

**Hon. Mr. ANGLIN** said that one half of the whole amount required for the work should be raised by the city and the other advanced by the Government, and he would like to know how the city intended to raise their share.

**Mr. RYAN (Montreal West)** explained that it would be paid out of the revenue of the harbour by the Harbour Commissioners. The means were quite sufficient, and the community of Montreal quite endorsed the proposition of the Finance Minister (Hon. Sir Francis Hincks). He believed that it would be productive of beneficial results.

The resolution was adopted. The Committee rose and reported, and a Bill founded on the resolution was introduced.

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### PUBLIC WORKS

The House went into committee on the bill to remove doubts under the act respecting the public works of Canada. The committee rose and reported, and the bill was read a second and third time and passed.

**Hon. Sir FRANCIS HINCKS** moved the House into Committee of Supply on the item of salaries and contingencies: Trinity House, Quebec; \$8,021; and salaries and contingencies Trinity House, Montreal, \$5,500.

**Hon. Mr. MACKENZIE** would like to know the necessity and the duties of the Commissioners. In his opinion the officers were sinecures.

**Hon. Mr. TUPPER** referred his hon. friend to the report of the Minister of Marine and Fisheries (Hon. Senator Mitchell) for full information on the subject.

**Messrs. WORKMAN, SIMARD and RYAN** spoke strongly in favour of the vote, and explained the duties of the Trinity House Board, which from personal knowledge they would say, were onerous and performed in a very satisfactory manner.

**Hon. Mr. MACKENZIE** still condemned the vote as an imposition on the country, and maintained that the duties mentioned by the members were altogether unnecessary and the results useless.

**Hon. Sir GEORGE-É. CARTIER** said the work must be done in some form.

**Hon. Mr. MACKENZIE** said the work was utterly unnecessary, and the money was literally thrown away.

**Hon. Mr. ANGLIN** said the lower provinces paid their own harbour masters, and he disapproved of an exception to be made in favour of Quebec and Montreal.

**Mr. BOLTON** was often asked why the harbour masters were paid at Quebec and not in the lower provinces, and he knew of no answer; and he thought some explanation should be given.



**Mr. COFFIN** also thought there should be the same system at Montreal and Quebec as elsewhere.

The item was then passed.

On the item for fishery overseers,

**Mr. OLIVER** said the salaries of some of the overseers were utterly thrown away.

**Hon. Mr. TUPPER** said the conduct of the matter as between the interests of fishers and manufacturers was of the most delicate and difficult, and the efforts of the overseers had to be attended with the greatest care.

**Mr. OLIVER:** Especially repairs to the River Thames.

**Hon. Mr. MACKENZIE** said the vote was not so much to conserve the fish in the rivers as to save the loose fish about the country. He knew one instance in which a so-called fishery overseer had been paid for different duties. He should not oppose the vote, while he considered a great part of it was spent unnecessarily, and the Government ought to see the duty properly performed.

**Hon. Mr. TUPPER** promised to have the matter of the alleged neglect in the case of the River Thames enquired into. All officers were instructed alike, though some might carry them out more carefully than others.

**Mr. STEPHENSON** referred to the remarks of the member for Oxford North (Mr. Oliver), and thought the complaint was unfounded.

The item was allowed to pass.

**Mr. WORKMAN** referred to vessels with valuable cargoes wrecked on Anticosti Island, and thought the Government should send down one of their schooners to protect the property in such cases. In one case last year the Government sent down the Napoleon and charged \$400 a day, which he considered a great overcharge.

**Hon. Mr. TUPPER** said the vessels were maintained for the public interest, and could not be made available for the use of underwriters.

**Mr. WORKMAN** only remonstrated against the over charge. He thought \$200 a day sufficient.

On the expenses of cullers' offices,

**Messrs. ANGLIN** and **BOLTON** asked the reason of increase.

**Hon. Mr. MORRIS** said there was no real increase, but an additional amount was asked for the pay of cullers in view of the large amount of timber expected to be got out.

**Mr. WRIGHT (Ottawa County)** said there were increased complaints of the conduct of the cullers' office, and a committee appointed some years ago reported that the system was entirely wrong. The gentlemen interested decreed that the system of rotation in the employment of cullers should be changed, and that those interested should have to the choice of the cullers. He quoted from the report of the Committee showing the unsatisfactory condition of the matter, and recommending certain changes. The gentlemen in the trade also complained of the excessive charges, and he hoped the Minister of Inland Revenue should remedy the evils that existed.

**Mr. HAGAR** also thought changes should be made.

**Hon. Mr. MORRIS** promised his attention.

The item passed.

On the Indian item,

**Mr. BLANCHET** hoped that next year the Government would make a larger grant to the Quebec Indians.

In reply to the Hon. Mr. Anglin,

**Hon. Mr. TUPPER** said the revenue from British Columbia would be in excess of the estimates made last year.

The items under the head of collection of revenue were taken up. On the first \$172,346 for salaries and contingent expenses of the customs in Ontario.

**Hon. Mr. MACKENZIE** said that \$12,000 had been voted last year to build a custom house at Trois-Rivières, while only eight vessels had called there, and the total revenue collected was \$5,000. This seemed to him to be a huge farce. He complained also of an excessive number of persons being employed in Ottawa, Kingston, St. John, Halifax, and other places, where the amount of salaries paid was out of all proportion to the revenue collected. The Quebec custom house costs two per cent more than Halifax, and Halifax in its turn costs a great deal more than Toronto.

**Hon. Mr. TILLEY** said there was really no ground of complaint as to the expenditure, when it was considered that, while last year there had been \$2,500,000 more revenue collected than the year before, the cost of collection was \$6,000 less, and the expenditure in the department at Ottawa \$5,000 less, making a total reduction of \$11,000 in the expenses. He explained that at some ports greater watchfulness was required than at others, in order to prevent frauds on the revenue, and it was necessary therefore to keep more men employed than the

June 7, 1872

portion of revenue collected would seem to require. It was impossible to collect at the same cost at sea ports, where there were many arrivals from foreign countries, as at inland ports.

**Mr. WORKMAN** said the salaries paid at Montreal were not sufficient to maintain properly the families of the men employed. He trusted the Government would take this matter into consideration.

**Hon. Mr. MACKENZIE** thought the salaries quite high enough, and other places, at any rate had as good a claim as Montreal.

The item was passed, together with the following items under the same head:—Salaries in Quebec, \$168,147; New Brunswick, \$72,376; Nova Scotia, \$93,313; Manitoba and the Northwest, \$8,000; British Columbia, \$20,000; salaries of inspectors of ports and special services, \$10,000; contingencies at head office, \$15,000; total, \$559,183.

The Inland Revenue expenditure was taken up. On the first item, \$142,100 for salaries of outside officers and inspectors,

**Hon. Mr. MACKENZIE** wanted to know the reason of this enormous increase (*Laughter*) being \$31,000 over last year.

**Hon. Mr. MORRIS** explained that the increase was owing to the decision at which the Government had arrived to deprive the inspectors of excise of any share of seizure in future. In order to make some compensation to them for the deprivation it was proposed to increase their salaries by a small amount; the increase being in most cases \$200. He did not think the House or country would object to this. (*Hear, hear.*)

Then he proposed slightly to increase the salaries of collectors, who in many instances received salaries altogether inadequate. The remainder of this amount of \$31,000 was made up of a sum which he thought it necessary to ask in order to provide for the increase of the staff by an addition in consequence of the creation of new distilleries. The item was passed, together with a number of others.

On the last items, \$2,816,870 for subsidies to Provinces, provided by statute,

**Hon. Mr. ANGLIN** asked what the Government intended to do with regard to the demand from New Brunswick for better terms. He believed the Province was entitled to better terms, and if it was the intention of the Government to grant them, it ought to be announced without delay.

**Hon. Mr. MACKENZIE** was astonished at his hon. friend. If he desired to get an expression from the Government he should have got the hon. member for Quebec County (**Hon. Mr. Chauveau**) to propose a resolution, and then the Government would have voted it down. (*Laughter, and oh!*)

**Hon. Sir JOHN A. MACDONALD:** We will not vote down any resolution against better terms. I can assure my hon. friend the Government have declared their intention by not putting any sum in the estimates, either ordinary or supplementary, to leave matters as they are, and not to ask a vote during the present session.

The Committee rose and reported, and the House adjourned at one a.m.





June 8, 1872

## HOUSE OF COMMONS

Saturday, June 8, 1872

The **SPEAKER** took the chair at one-twenty p.m.

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*Prayers*

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## CULLING

**Hon. Mr. MORRIS** presented a return to an address for the tariff of fees charged to lumberers for the culling of timber.

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## DEBTORS AND CREDITORS

**Mr. CARTER** moved that two thousand copies of his bill respecting debtors and creditors, and for the punishment of fraudulent debtors be printed for distribution among the members. He said he did not intend to bring the bill forward for discussion this session, but he should like it printed so that members might have an opportunity of distributing it among their constituents, with a view to its discussion next session.

The motion was carried.

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## CENTRAL BANK, NEW BRUNSWICK

**Mr. PICKARD** introduced a bill to enable the directors of the Central Bank of New Brunswick to wind up the affairs of the said bank.

The motion was carried and the bill read a first time.

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## DUTIES IN BRITISH COLUMBIA

**Hon. Mr. MORRIS** moved the House into Committee of the Whole to consider a resolution declaring it expedient that the duties of customs and excise, now by law in force in the Dominion of Canada, be extended to the Province of British Columbia.

The motion was carried, and the House went into committee. The resolution was adopted and the committee rose and reported.

**Hon. Mr. MORRIS** introduced a bill founded on the resolution, which was read a first time.

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## COPYRIGHT

**Hon. Sir FRANCIS HINCKS** moved that on Tuesday the House go into committee to consider a resolution on the subject of copyright.—Carried.

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## COLLINGWOOD

**Hon. Mr. TILLEY** moved that on Tuesday next the House go into committee to consider a resolution declaring it expedient to extend the Act 32, 33 Vic., Cap. 40 imposing tonnage duties to the port of Collingwood, in the Province of Ontario.—Carried.

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## PROROGATION

**Hon. Sir JOHN A. MACDONALD** announced that he hoped the state of public business would be such that Parliament would be prorogued on Thursday next.

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## THE REPRESENTATION BILL

**Hon. Sir JOHN A. MACDONALD** moved concurrence in the report of the Committee on the bill to re-adjust the Representation in the House of Commons.

**Mr. WORKMAN** stated that, as he had not received the petitions he had expected, he would reserve his remarks for the third reading.

**Hon. Mr. MACKENZIE** had said yesterday that he proposed to submit an amendment to the House at this stage of the Bill, to embody his own views and what he believed to be the views of a majority of the people of Ontario, if not of the Dominion, in reference to it. It was, of course, well ascertained that one of the great subjects of dispute in the old province of Canada was the inequality of the representation in the two great sections of the province; and from time to time, as the subject was discussed in the Parliament and Press of the country, pains were taken to show, not merely the inequality of the representation as between the two



Provinces then united in one, but also the inequality of representation as concerning certain districts of the country.

In the early settlement of the country the population in a vast proportion of what were now electoral divisions was sparse, so that electoral divisions become almost of necessity very large, but it could not be contemplated in the nature of things that that condition of representation should continue longer than it should be absolutely necessary under existing political circumstances.

Under the last distribution a member was given to Algoma, which was in itself almost as large as all the rest of Upper Canada. That could not be expected to continue when the vast territory which bordered on our two great lakes should have been filled up. These people must then have representation in proportion to their numbers; at least numbers must be considered to a very great extent in apportioning that representation. This principle was considered in the Act of Union. There would have been a difficulty in the settlement of the matter in the old Province of Canada but for the acknowledgement of that principle; and it was provided especially that while Lower Canada should remain stationary, with its 65 members, the same relations as to numbers should be established in that House between Quebec and the other provinces as was established as to population by the census of 1861.

This bill was brought in, it was to be supposed, for the purpose of complying not only with the letter but also as far as possible with the spirit of the Act of Union. But while it did comply with the letter, by giving the Provinces that had established their rights, by a greater increase of population, a greater representation in that House, it did not fulfil the idea of those who had long advocated the principle of representation according to population in that House. They found in some of the more populous districts that were very rapidly filling up, which before the next ten years would nearly double their present population, no regard had been paid to the great increase that had been taking place.

He did not instance the county which he represented from any local or sectional feeling; he trusted he was as free from that as any member of that House; but in the adjustment of 1866, under which they now sat, they found that the county he represented then, and a large portion of which he represented still, had a population of between thirty and forty thousand, as nearly as could be calculated, and a valuation of five millions of dollars, while the county of Norfolk had a population of only 28,000, with a valuation of something under four millions; yet it was accorded two members, while the country of Lambton had only one, with a portion of Bothwell.

Kent was in a similar position, only it was still more populous than Lambton. At the present moment these two counties comprised a population of something over 80,000. So Essex, next to it on the south had a population of nearly 33,000 and the three counties together had a population more than sufficient to give them six members, whereas they were to continue to be represented by three.

The counties of Huron, Bruce, Grey and Simcoe combined, lying contiguous to each other, had also increased enormously in population. While an additional member was given to Huron and to Grey, none was given to Simcoe. The population was enough to justify an additional seat in that quarter.

It was said that property should be considered. That was quite correct with Hon. Mr. Mackenzie; and, on that principle, take the counties he had mentioned—Lambton, for instance, had an area of 751,000 acres, every acre of which was capable of cultivation. There was not a barren spot in the whole county; and the counties bordering on Lakes Erie and Huron were capable of supporting a larger population, relatively to their area, than any other parts of this country. This also should be considered in determining the representation to this House. The average acreage at present of those counties was constantly decreasing in proportion to the number of people. According to the last census the average was nearly 200 acres to each head of a family. In the state of Ohio, at the same time, which was settled earlier and more rapidly, the acreage was only 80 to each head of a family and, when they in these western counties reached the same proportion, as they would in a few years, they would very nearly double their present population. In other words, the country would bear that population. That was a consideration which ought to have weight, and in the new district for Muskoka it was fairly considered; but, taking into consideration the elements of area of population, of wealth, and of their capability of rapidly filling up, he did not see upon what principle these counties he had referred to had been ignored.

Taking the assessments, he found in round numbers that Brant, with two members, had seven and a quarter millions of property; Bruce, with two members, had over four millions; Carleton, with one member, 3 1/4 millions; Elgin, with two members, had 6 3/4 millions; Essex, with one member, 3 1/2 millions; Grey, with two members, five millions; Haldimand, with one member, three and a half millions; Halton, with one member, nearly five millions; Hastings, with three members, three and three-quarter millions; Huron, with three members, eight and one-half millions; Kent, with one member and a half, four millions; Lambton, with one member and a half, over five millions; Lanark, with two members, three and a quarter millions; Leeds and Grenville, with four members, six and a quarter millions; Lennox and Addington, with two members, three and three quarter millions.

**Mr. CARTWRIGHT:** Is the hon. gentleman taking the municipal divisions or electoral divisions?

**Hon. Mr. MACKENZIE:** The municipal divisions. Lincoln, with two members, six and a half millions; Middlesex, with three members, 10 million; Norfolk, with two members, four and a half millions; Northumberland and Durham, with four members, 20 millions; Ontario, with two members, seven and a half millions; Oxford, with two members, seven and three-quarter millions; Peel, with one member, six and a quarter millions; Perth, with two members, six and a half millions; Peterborough, with two members,

June 8, 1872

two and a quarter millions; Prescott and Russell, municipal division, with two members, two millions,—the parliamentary division was considerably greater; and Carleton was much less than he stated; Prince Edward, with one member, four and a half millions; Renfrew, with two members, one and a quarter millions; Simcoe, with two members, and a portion of Cardwell, over eight millions; Stormont, Dundas, and Glengarry, with four members, six and a quarter millions; Victoria, with two members, seven and a quarter millions; Waterloo, with two members, eight millions; Wellington, with three members, nearly twenty millions; Wentworth, with two members, six millions; York, with three members, twelve millions.

He had shown by these figures, that the average wealth of the counties that had their representation continued as it was. He had heard no reason why the principle of representation by population should have been abandoned within the Province when they had to consider it as between the Provinces. That principle was just in itself; and when accompanied with area and wealth, there seemed to be no reason why it should not be followed. The franchise right was given to every person, not in proportion to his property. The man who had only \$200 of real estate had the same political rights as the man who owned \$20,000. In this they recognized the principle of manhood suffrage; and to carry out that principle they should consider that the aggregate manhood of a county was as much entitled to consideration as the rights of each individual. But this principle was practically ignored in the bill.

He could understand that it was desirable to recognize manufacturing interests in appropriating the new seats. But the manufacturing interests of a place must be considered in connection with the value of real estate and property in it. The real estate of Ottawa, which was to get two members, was only four and a half millions and the population only 21,000. It stood twenty-fourth as to population of the electoral divisions of the Province. It was lower by two or three millions, as to property, than several counties that were to obtain the additional representation. There was no reason whatever for the unjust distinction that was drawn in the Bill as between these constituencies. He merely proposed in his amendment to endeavour to do his duty as a member of this House in presenting the position of those constituencies with a view to obtain an alteration in the Bill which would rectify the inequalities and injustice of the measure.

He did not desire at this late period to take up more time than was absolutely necessary to state the principles he had laid before the House, and give reasons and arguments for the course he was taking; and having done so he would place the following amendment, seconded by the **Hon. Mr. BLAKE**, in the Speaker's hands: "That the report be not now received, but that all the words after 'that,' be left out, and the following inserted:—'North Simcoe contains 33,018 souls; Essex, 32,607; Lambton, 31,994; South Bruce, 31,332; giving four members to 129,940 souls; and many other districts in Ontario contain far

more than the average number of 18,315 per member. That three new members are proposed to be assigned so as to give members to districts at an average ratio of 10,710 per member, giving five members to 53,560 souls. That the six additional members to be allotted to Ontario, are due to the increased population in the Province, and should be allotted with reasonable regard to that population. That the bill be referred back to the Committee of the whole House, with instructions so to amend the same by allotting the new members for Ontario in such a manner as to give, so far as practicable, representation to those parts of the population which would by the present provisions be excluded from their due share of political power."

Assuming the position of the Premier to be correct that manufacturing interests should be considered, he maintained that the counties he (Hon. Mr. Mackenzie) had referred to had far more extensive manufacturing interests in respect to population than those districts that had been specially considered in the Bill on account of their manufacturing interests.

As he stated last night, a great mineral and oil interest had sprung up in his own county, giving an impulse to railway traffic and business generally. Within the small circle of six miles a population of 6,000 or 7,000 had sprung up within two or three years. There was one refinery in course of erection there by a company with a capital of 1 3/4 millions, and then about twenty other refineries, averaging in value from \$50,000 to \$300,000. Not less than 300 engines were constantly at work, and hundreds of teams employed in taking the products to the railway. If manufacturing interests were to be considered in this bill, this interest could not be ignored.

He thought that he had said enough to show that the Government scheme was defective, that it perpetrated a gross injustice upon those parts of the country where a people had with unexampled energy overcome the initiatory difficulties of settlement where industrial interests have been largely developed, and where there was still room for a vast population.

**Mr. CAMERON (Huron South)** regretted that a bill of this importance had been brought down at so late a stage of the session. When the bill was introduced, the leader of the Government (Hon. Sir John A. Macdonald) had laid down the principle that it was unwise to change the boundaries of counties returning one member. He (Mr. Cameron) had agreed to that to a great extent, but it was now found that in the case of Haldimand that principle had not been adhered to.

In this instance, the township of Dunn had been taken from the county and added to Monck, upon the assumption that there was a discrepancy in the population. He found that this did exist; the population of Haldimand was 20,191; of Monck, 15,130; and the hon. gentleman had proposed to remedy the discrepancy by adding to Monck the smallest township in Haldimand, which would only increase the population of the former



to 16,179 souls, still leaving a discrepancy of about 3,000. It would have been better to have taken the largest township, but that would not have served the views of the hon. gentleman.

He pointed out that discrepancies also existed in Bothwell, Essex, Lambton and other counties, but while Monck was to be set right these were to remain untouched. He contended that the object of the bill was not to equalize population as alleged—it was merely to suit the political purposes of the Government. The proposed re-adjustment of Wellington was just and proper, but if it was necessary in Ridings why should it not be done in other counties where the discrepancies are greater? Such inequalities existed in the counties of Elgin, Brant, Simcoe and others, but what was right in Wellington was considered improper in those counties. He held that Bruce was the most glaring instance of such irregularity, and required more than any other county, to be re-arranged; but he considered the whole system a sham.

It was perfectly right that the manufacturing interest should be represented; but he contended that there were interests of more importance than those connected with the lumbering of Ottawa, and the sewing machine and boot and shoe interests of Hamilton, and he instanced the salt interest of Huron. (*Hear, hear.*) He did not begrudge those cities their additional representation, but urged that it ought to be given to the larger constituencies and not to the boroughs.

With respect to his own county, a worse division from every point of view could not have been proposed. It was a violation of all plans of contiguity and compactness, the object being not to equalize the populations, but that the Government might suit its own political purposes and this had been done on the representations of their friends from the county. By making these alterations they believed that he (Mr. Cameron) could be defeated, and that Conservatives would be returned for the North and South Ridings, but he (Mr. Cameron) thought the Minister of Justice (Hon. Sir John A. Macdonald) would not be able to carry out his scheme.

**Mr. McCALLUM** could not understand why his friends opposite should lash themselves into fury about his county. He was an advocate of representation by population. The adding of the Township of Dunn was no new thing. In 1857 when the counties were under consideration his hon. friends from Welland and Haldimand waited on the Government and wished them to add Dunn to the County of Monck for the purpose of equalizing the population. The head of the Government had refused, on the ground that if he did it in one case he would have to do it in others. The people of Dunn having now petitioned for this change, he (Mr. McCallum) thought it right that their wishes should be acceded to. (*Hear, hear.*) He considered that he was quite as capable of representing his constituency with its population of sixteen thousand, as his hon. friend from Haldimand was of representing his constituency of eighteen thousand. (*Hear, hear.*)

**Mr. RYMAL** would dwell more particularly on the outrageous division of the Centre Riding of Huron; and in order that members should have an accurate notion of what was proposed, he had taken the trouble to have a diagram prepared which, amidst convulsive laughter from both sides of the House, he exhibited. The Riding appeared, by the hon. member's cardboard illustration, as something—but remotely—like an abnormally developed profile of the deceased hero of Waterloo gracefully stuck on the head of a three-masted schooner. He called on The Speaker to "look at that and weep!" and implored every lover of fair play, and every intelligent voter, to decide whether there was any political trickery in such a division as that. (*Laughter.*) It was angular, triangular, and quadrangular; it had right angles, right angled triangles, acute angles, and obtuse angles, and had all been prepared by the great political angler himself. He (Hon. Sir John A. Macdonald) had prepared a pool in which he meant to fish, and from which he hoped to draw forth a "gudgeon," but he (Mr. Rymal) hoped it would prove to be a pike.

The whole vocabulary of terms known to engineering and architecture would be exhausted before such a thing as that which he held in his hands could be described. (*Continued laughter.*) Sir John's friends would admire it; many of them would doubtless idolize it; and though the creation of his own hands, there would be little harm in the Premier himself falling down and worshipping it, for "it was not the likeness of anything in Heaven above, or in the earth beneath." Doubtless his hon. friend the Minister of Justice (Hon. Sir John A. Macdonald) had resisted the importunities of some of his outside friends as to this division of Huron Centre, but he had not resisted long enough, or he would not have brought about such an outrage as this. (*Laughter.*)

He (Mr. Rymal) had exhibited at a glance to the House what was proposed to be done, and would be pleased to allow any member to take a correct view of his diagram, and he would have a plan similar to this prepared and sent throughout the length and breadth of Upper Canada. (*Great laughter.*)

**Mr. SPROAT** said he agreed to some extent with the remarks of the hon. member for Lambton (Hon. Mr. Mackenzie) although he did not go to the length of that hon. gentleman. The hon. member in the argument with which he had supported his amendment had not given the entire population of North Simcoe and Bruce South. If he had given the entire population of Simcoe with Cardwell attached, it would have reduced his calculation to a considerable extent. The same too could be said of Bruce North.

He (Mr. Sproat) thought that a question of this kind should be discussed with a view to the interests of the whole country and not with regard to particular sections of the provinces. He was free to say that, looking at the increased population of the county of Bruce within the past ten years, he should have been better pleased if the Government had seen fit to give it three members in the House instead of two.

June 8, 1872

At the same time the motion of the hon. member for Lambton (Hon. Mr. Mackenzie) was aimed, not so much to rectify that, as to express want of confidence in the Government. If the desire was to amend the measure in some of its details it would have been better if the House had discussed it last night when in committee instead of postponing the discussion till today. Regarding them as a whole the provisions of the bill were acceptable, although objection might perhaps be taken to some of the details.

The city of Ottawa, for instance, with a population of 21,000, was to have two members; and that being the case he really thought the County of Bruce, with a population of 48,000, was entitled to three. If the group of constituencies consisting of Lanark, Carleton, Renfrew, Russell and Ottawa, with a population of 108,000, had nine members, he thought the counties in the north-west peninsula of Ontario, consisting of Huron, Bruce, Grey, Simcoe, Perth and Wellington, with a population of 347,000 was deserving of more than sixteen members, the number given by the bill.

He would have preferred if the bill had been taken up in detail, rather than that a sweeping amendment should be proposed affecting the whole measure. With reference to the remarks of the hon. member for Huron South (Mr. Cameron) and the beautiful design that had been exhibited by the hon. member for Wentworth South (Mr. Rymal), it would have been better if the whole of the county rather than a portion of it had been exhibited. If hon. gentlemen would look at the map they would find that the boundaries of the county were in outline somewhat similar to the amusing diagram that the hon. member had shown.

The hon. member for Huron South (Mr. Cameron) had contended that the town of Goderich was in the township of Goderich. Well, they all knew that was the case; but the suburb on the north side of the river where the salt works were situated was essentially a part of the town, although called by a different name, and it was in the township of Colborne. The main part of the township of Goderich lay to the south of the town and was properly included in the South Riding, as provided in the bill. The county could not, indeed, have been divided in any way without showing quite as great irregularities in the boundaries of the different divisions as those which had been illustrated by the hon. member for Wentworth South (Mr. Rymal).

He believed that in making the divisions the bill proposed, the Government had regarded the interests of the whole country, as well as of the electors of the counties divided, without reference to the question whether the members to be returned at the ensuing elections for those divisions would support them or not. He did not believe that a gentleman whose character was so well established in this country as that of the Premier, would propose a measure based upon such considerations. While feeling that the county of Bruce was entitled to increased representation, he (Mr. Sproat) could not support the amendment, because it struck at the whole principle of the bill, and proposed to change all the divisions it made in the counties.

**Mr. OLIVER** agreed with the hon. member for Huron South (Mr. Cameron) that the bill had been brought down at too late a period of the

session to allow the just influence of public opinion to be brought to bear upon it.

He referred to the representation of the manufacturing interest, and the report of a committee appointed some time ago to enquire into the matter, to show that the great bulk of the manufacturing interest was to be found in the rural districts, there being fully double as much manufacturing interest in those districts as in the towns. The representatives of rural districts could as well represent the manufacturing interests as city representatives, and another reason why cities should not have additional representatives was that the gentlemen representing many rural constituencies lived at and were connected with cities.

He admitted that the population of Toronto entitled her to an additional member, but denied that Ottawa and Hamilton were so entitled. He objected to the counties of Oxford and Bruce with their large populations being left in their present stage, while Ottawa and Hamilton, comparatively well represented, were to have an additional member each. As to the rearrangement of Haldimand, Monck and Wellington, the reasons for that were so flimsy that no one could fail to see them. He should support the amendment before the House and should also move that the provision for additional members for Ottawa and Hamilton should be struck out.

**Mr. MAGILL** replied to the remarks of the member for Oxford North (Mr. Oliver). He said that the capital invested in Hamilton was six times as great as that invested in the whole of the county of Oxford, while the whole of the Railway and other enterprises were initiated in cities. He defended the increased representation given to the cities, and said that the future as well as the present was to be borne in mind; and, referring to the great increase in the population of Hamilton, he thought the Government had acted with prudence and foresight in giving that city an additional representative, as the commercial centres were the places where the greatest increase of population was likely to take place. Hamilton had had only one member for many years, and her present population properly entitled her to another. The public accounts would show that during the last year \$600,743 had been collected at Hamilton, and every one must recognize the great commercial importance of that city.

It was only second to Toronto in the whole province of Ontario, and the argument of the member for Oxford North (Mr. Oliver) that the great manufacturing interests of the country should be ignored in favour of comparatively unimportant rural districts was foolish and unjust. To show the interest that the member for Oxford North took in the matter of manufacturing interests, he might mention that he (Mr. Magill) asked him to sit on the Committee obtained to enquire into that matter, but he declined to have anything to do with it. (*Hear, hear.*)

The hon. member concluded by paying a marked compliment to the Government for the way in which they had handled the whole matter, and considered that the increased representation given to



cities was the wisest and most fair feature of the whole scheme. He took his seat amid loud cheers.

The members were called in, and **Hon. Mr. MACKENZIE'S** amendment was lost on the following division:—Yeas, 47; Nays, 97.

*(Division No. 39)*

**YEAS**

Members

Anglin	Béchar
Blake	Bourassa
Bowman	Cameron (Huron South)
Carmichael	Cartwright
Cheval	Connell
Coupal	Delorme (Saint-Hyacinthe)
Dorion	Fortier
Fournier	Geoffrion
Godin	Holton
Kempt	Mackenzie
McConkey	McMonies
Metcalf	Mills
Morison (Victoria North)	Oliver
Pâquet	Pelletier
Power	Pozzer
Redford	Ross (Prince Edward)
Ross (Wellington Centre)	Rymal
Scatcherd	Snider
Stirton	Thompson (Haldimand)
Thompson (Ontario North)	Tremblay
Wells	White (Halton)
Whitehead	Wood
Workman	Wright (York West)
Young-47	

**NAYS**

Members

Archambault	Ault
Baker	Beaty
Bellerose	Benoit
Blanchet	Bowell
Bown	Brousseau
Brown	Cameron (Peel)
Campbell	Carling
Caron	Carter
Cartier (Sir George-É.)	Cayley
Chauveau	Chipman
Cimon	Coffin
Colby	Costigan
Crawford (Brockville)	Crawford (Leeds South)
Cumberland	Curner
De Cosmos	Delorme (Provencher)
Dobbie	Drew
Dugas	Ferguson
Forbes	Fortin
Gaucher	Gaudet
Gendron	Gibbs
Grant	Gray
Grover	Heath
Hincks (Sir Francis)	Houghton
Hurdon	Jackson
Jones (Leeds North and Grenville North)	Keeler
Kirkpatrick	Lacerte
Langevin	Lapum

Lawson	Little
Macdonald (Sir John A.)	McDonald (Lunenburg)
McDonald (Middlesex West)	Magill
Masson (Soulanges)	Masson (Terrebonne)
McCallum	McDougall (Lanark North)
McDougall (Trois-Rivières)	McKeagney
Merritt	Morris
Munroe	Nathan
O'Connor	Perry
Pickard	Pinsonneault
Pope	Pouliot
Ray	Renaud
Robitaille	Ross (Champlain)
Ross (Dundas)	Ross (Victoria, N. S.)
Ryan (Montreal West)	Scriver
Shanly	Simard
Sproat	Street
Thompson (Cariboo)	Tilley
Tourangeau	Tupper
Walsh	Webb
White (Hasting East)	Willson
Wright (Ottawa County) 97	

**Mr. MILLS** spoke in opposition to the bill, and charged the Minister of Justice (Hon. Sir John A. Macdonald) with having delayed the introduction of the measure until so late a period of the session, in order that the press and the country should not have an opportunity of giving it that consideration which it deserved.

He moved in amendment, seconded by the **Hon. Mr. WOOD**, to leave out all the words after "that", and insert the following:—"The county of Stormont is divided into two electoral districts, comprising Stormont with 11,873 souls, and Cornwall town and township with 7,114. That the county of Lincoln is divided into two electoral districts, comprising Lincoln with 20,672 souls, and Niagara town and township with 3,693. That thus two members are given, to Cornwall and Niagara with an aggregate population of 10,807 souls, or at the rate of 5,404 persons per member—while the mean average population throughout the Province is 18,315 per member—and while North Simcoe, South Bruce, Essex and Lambton, with four members contain 129,940 souls, or at the rate of 32,485 per member; that the said bill be referred back to a Committee of the Whole House in order to consider whether the same may not be amended so as to redress as far as practicable those glaring inequalities."

The members being called in, the amendment was lost on division:—Yeas, 44; Nays, 94.

*(Division No. 40)*

**YEAS**

Members

Béchar	Blake
Bourassa	Bowman
Cameron (Huron South)	Carmichael
Cartwright	Cheval
Coupal	Delorme (Saint-Hyacinthe)
Dorion	Fortier
Fournier	Geoffrion

June 8, 1872

Godin  
Kempt  
McConkey  
Metcalf  
Morison (Victoria North)  
Pâquet  
Power  
Redford  
Ross (Wellington Centre)  
Scatcherd  
Stirton  
Thompson (Ontario North)  
Wells  
Whitehead  
Wright (York West)

Holton  
Mackenzie  
McMonies  
Mills  
Oliver  
Pelletier  
Pozer  
Ross (Prince Edward)  
Rymal  
Snider  
Thompson (Haldimand)  
Tremblay  
White (Halton)  
Wood  
Young—44

## NAYS

## Members

Archambault  
Baker  
Bellerose  
Blanchet  
Bown  
Brown  
Carling  
Carter  
Cayley  
Cimon  
Colby  
Crawford (Brockville)  
Cumberland  
Delorme (Provencher)  
Drew  
Ferguson  
Fortin  
Gaudet  
Gibbs  
Gray  
Heath  
Houghton  
Jackson  
Keeler  
Lacerte  
Lapum  
Little  
McDonald (Lunenburg)  
Magill  
Masson (Terrebonne)  
McDougall (Lanark North)  
McKeagney  
Morris  
Munroe  
O'Connor  
Pinsonneault  
Pouliot  
Renaud  
Ross (Champlain)  
Ross (Victoria, N. S.)  
Scriver  
Simard  
Street  
Tilley  
Tupper  
Webb  
Willson

Ault  
Beaty  
Benoit  
Bowell  
Brousseau  
Campbell  
Caron  
Cartier (Sir Geroge-É.)  
Chauveau  
Coffin  
Costigan  
Crawford (Leeds South)  
Currier  
Dobbie  
Dugas  
Forbes  
Gaucher  
Gendron  
Grant  
Grover  
Hincks (Sir Francis)  
Hurdon  
Jones (Leeds North and Grenville North)  
Kirkpatrick  
Langevin  
Lawson  
Macdonald (Sir John A.)  
McDonald (Middlesex West)  
Masson (Soulanges)  
McCallum  
McDougall (Trois-Rivières)  
Merritt  
Morrison (Niagara)  
Nathan  
Perry  
Pope  
Ray  
Robitaille  
Ross (Dundas)  
Ryan (Montreal West)  
Shanly  
Sproat  
Thompson (Cariboo)  
Tourangeau  
Walsh  
White (Hastings East)  
Wright (Ottawa County)—94

West Elgin, 12,796 souls and East Elgin, 20,870; North Brant, 11,439 souls, and South Brant, 20,766; that these and other inequalities are far more glaring than the inequality between Monck with 15,130 souls, and Haldimand with 20,091; that the House has declined to attempt to redress other inequalities, and that it is not right while declining any such attempt to interfere with Monck and Haldimand as it proposed by the said bill, in order to redress a minor inequality in such a manner as will strengthen the Government candidate in Monck; and that the said bill be referred back to a Committee of the Whole House, with instructions to amend the same by restoring to their former state the districts of Monck and Haldimand”.

The members were called in and **Mr. THOMPSON'S** amendment lost on division: —Yeas, 43; Nays, 94.

*(Division No. 41)*

## YEAS

## Members

Béchar  
Bourassa  
Cameron (Huron South)  
Cheval  
Delorme (Saint-Hyacinthe)  
Fortier  
Geoffrion  
Holton  
Mackenzie  
McMonies  
Mills  
Oliver  
Pelletier  
Pozer  
Ross (Prince Edward)  
Rymal  
Snider  
Thompson (Haldimand)  
Tremblay  
White (Halton)  
Wood  
Young— 43

Blake  
Bowman  
Carmichael  
Coupal  
Dorion  
Fournier  
Godin  
Kempt  
McConkey  
Metcalf  
Morison (Victoria North)  
Pâquet  
Power  
Redford  
Ross (Wellington Centre)  
Scatcherd  
Stirton  
Thompson (Ontario North)  
Wells  
Whitehead  
Wright (York West)

## NAYS

## Members

Archambault  
Baker  
Benoit  
Bowell  
Brousseau  
Campbell  
Caron  
Cartier (Sir George-É.)  
Chauveau  
Coffin  
Costigan  
Crawford (Leeds South)  
Currier  
Delorme (Provencher)  
Drew  
Ferguson  
Gaucher  
Gendron

Ault  
Bellerose  
Blanchet  
Bown  
Brown  
Carling  
Carter  
Cayley  
Cimon  
Colby  
Crawford (Brockville)  
Cumberland  
De Cosmos  
Dobbie  
Dugas  
Fortin  
Gaudet  
Gibbs

**Mr. THOMPSON (Haldimand)** then moved to leave out all after the word “that”, and insert the following:—“Lincoln contains 20,672 souls and Niagara 3,693; Stormont, 11,873 souls, and Cornwall, 7,114;



Gray	Grover
Heath	Hincks (Sir Francis)
Houghton	Hurdon
Jackson	Jones (Leeds North and Grenville North)
Keeler	Kirkpatrick
Lacerte	Langevin
Lapum	Lawson
Little	Macdonald (Sir John A.)
McDonald (Lunenburg)	McDonald (Middlesex North)
Magill	Masson (Soulanges)
Masson (Terrebonne)	McCallum
McDougall (Lanark North)	McDougall (Trois-Rivières)
McKeagney	Merritt
Morris	Morrison (Niagara)
Munroe	Nathan
Nelson	O'Connor
Perry	Pinsonneault
Pope	Pouliot
Ray	Renaud
Robitaille	Ross (Champlain)
Ross (Dundas)	Ross (Victoria, N. S.)
Ryan (Montreal West)	Scriver
Shanly	Simard
Sproat	Street
Thompson (Cariboo)	Tilley
Tourangeau	Tupper
Wallace (Vancouver Island)	Walsh
Webb	White (Hastings East)
Willson	Wright (Ottawa County)—94

**Mr. POWER** said that the county to which it was proposed to give an additional member had only 26,000 inhabitants, and would therefore have one representative to 13,000 people, while the County of Halifax was to have but one representative to 28,000—he therefore moved in amendment that the Bill be referred back to a Committee of the whole House with instructions so to amend the same as to provide that one of the additional members allotted to Nova Scotia shall be assigned to Halifax.

**Hon. Mr. TUPPER** would say for the information of the House that in the course which had been pursued, so far as Nova Scotia was concerned, the Government had followed the practice which had been universally favoured in that province. It had never been the practice to give to the city and county of Halifax representation in proportion to population for the sufficient reason that in that province it had been conceded that the wealth and influence of the metropolitan constituency was such as to influence the other constituencies throughout the province.

In the Local Legislature the county of Queen's, with a population of 10,000 had two representatives, while the county of Halifax had but three, and when that Legislature gave Pictou three members it did not give Halifax representation according to population. That arrangement had obtained universal approval and there had been no proposition to alter it, either by the present or last Legislature.

They had given an additional member to the County of Pictou, the second largest county in the province, and the other to the County of Cape Breton, the third largest county, in which the increase in population had been greater during the last decade than in any other county. With its great mineral resources they had every reason to believe that in a short time it would be represented strictly

according to population. He thought he had satisfied the House that no violence had been done to Nova Scotia by the course pursued.

**Hon. Mr. MACKENZIE** charged the Government with having one policy for Ontario and another for Nova Scotia, in that they had neglected Halifax which in his opinion had as great a claim for an additional member as either Hamilton, Toronto or Ottawa. He characterized the bill as having been drawn solely to enable the Government to obtain political advantage.

The members were called in and the amendment was lost on a division: —Yeas, 33; Nays, 90.

#### *(Division No. 42)*

#### YEAS

##### Members

Anglin	Blake
Bourassa	Bowman
Cameron (Huron South)	Carmichael
Cheval	Coupal
Delorme (Saint-Hyacinthe)	Dorion
Fortier	Fournier
Geoffrion	Holton
Mackenzie	McConkey
Metcalf	Mills
O'Connor	Oliver
Pâquet	Power
Redford	Ross (Prince Edward)
Ross (Wellington Centre)	Scatcherd
Snider	Stirton
Thompson (Ontario North)	Wells
Wood	Wright (York West)
Young—33	

#### NAYS

##### Members

Archambault	Ault
Baker	Beaty
Béchar	Belleroose
Benoit	Blanchet
Bowell	Bown
Brousseau	Campbell
Carling	Caron
Carter	Cartier (Sir George-É.)
Cayley	Chauveau
Chipman	Cimon
Coffin	Colby
Connell	Crawford (Brockville)
Crawford (Leeds South)	Cumberland
Currier	Delorme (Provencher)
Dobbie	Drew
Dugas	Ferguson
Fortin	Gaucher
Gaudet	Gendron
Gibbs	Grant
Gray	Grover
Heath	Hincks (Sir Francis)
Hurdon	Jones (Leeds North and Grenville North)
Keeler	Kirkpatrick
Lacerte	Langevin
Lapum	Lawson
Little	Macdonald (Sir John A.)
McDonald (Lunenburg)	McDonald (Middlesex West)

June 8, 1872

Masson (Terrebonne)  
McDougall (Trois-Rivières)  
Merritt  
Munroe  
Nelson  
Pinsonneault  
Pouliot  
Ray  
Ross (Champlain)  
Ryan (King's, N. B.)  
Scriver  
Simard  
Street  
Tilley  
Tremblay  
Wallace (Vancouver Island)  
Webb  
White (Hastings East)

McCallum  
McKeagney  
Morris  
Nathan  
Perry  
Pope  
Pozer  
Robitaille  
Ross (Victoria, N. S.)  
Ryan (Montreal West)  
Shanly  
Sproat  
Thompson (Cariboo)  
Tourangeau  
Tupper  
Walsh  
White (Halton)  
Willson-90

Fortier  
Geoffrion  
Holton  
McConkey  
Metcalf  
Oliver  
Pelletier  
Pozer  
Ross (Prince Edward)  
Rymal  
Snider  
Thompson (Haldimand)  
Wells  
Wood  
Young-41

Fournier  
Godin  
Mackenzie  
McDougall (Lanark North)  
Mills  
Pâquet  
Power  
Redford  
Ross (Wellington Centre)  
Scatcherd  
Stirton  
Thompson (Ontario North)  
Whitehead  
Wright (York West)

**Mr. CAMERON (Huron South)** moved, in amendment, seconded by **Mr. WHITEHEAD**, that all the words after "That", to the end of the Question, be left out, and the words "the Township of Tuckersmith is situated almost in the centre of the South Riding of the County of Huron, and by natural boundaries and geographical position should belong to that riding,—that part of the Township of Goderich in the said South Riding is situated between the Townships of Colborne and Hullett in the Centre Riding, and extends across and cuts that Riding in two,—that from its position, natural boundaries and geographical relationship to other Townships, the said Township of Goderich should form part of the said Centre Riding; that the Municipality of the Town of Goderich and the Township of Tuckersmith which formed part of the old South Riding of the County of Huron, but which are now proposed to form part of the said Centre Riding are not contiguous, but are separated by the said Township of Goderich,—that said Ridings would be much more compact if the said Township of Tuckersmith formed part of said South Riding and said Township of Goderich, with the Town of Goderich, which forms part of said Township, formed part of said Centre Riding, that it be therefore Resolved, that the Bill be now recommitted to a Committee of the whole House, with instructions to amend the same, so that the said Township of Tuckersmith shall continue to form part of the said South Riding, and that the Township of Goderich be added to the said Centre Riding," inserted instead thereof;

And the Question being put on the amendment; the House divided and the names being called for, they were taken down, as follows:—Yeas, 41; Nays, 86.

(Division No. 43)

## YEAS

## Members

Anglin	Béchar
Blake	Bourassa
Bowman	Cameron (Huron South)
Carmichael	Cheval
Connell	Coupal
Delorme (Saint-Hyacinthe)	Dorion

Archambault	Ault
Baker	Beaty
Bellerose	Benoit
Blanchet	Bowell
Bown	Brousseau
Brown	Campbell
Carling	Caron
Carter	Cartier (Sir George-É.)
Cayley	Chauveau
Cimon	Coffin
Colby	Costigan
Crawford (Brockville)	Crawford (Leeds South)
Cumberland	De Cosmos
Delorme (Provencher)	Dobbie
Drew	Dugas
Ferguson	Fortin
Gaucher	Gaudet
Gendron	Gibbs
Grant	Gray
Heath	Hincks (Sir Francis)
Houghton	Jackson
Keeler	Kirkpatrick
Lacerte	Langevin
Lapum	Lawson
Little	Macdonald (Sir John A.)
McDonald (Middlesex West)	Masson (Soulanges)
Masson (Terrebonne)	McCallum
McDougall (Trois-Rivières)	McKeagney
Merritt	Morris
Munroe	Nathan
Nelson	O'Connor
Pinsonneault	Pope
Pouliot	Ray
Renaud	Robitaille
Ross (Champlain)	Ryan (King's, N. B.)
Ryan (Montreal West)	Scriver
Shanly	Simard
Sproat	Street
Thompson (Cariboo)	Tilley
Tourangeau	Tremblay
Tupper	Wallace (Vancouver Island)
Walsh	Webb
White (Hastings East)	Willson-86

## NAYS

## Members

**Mr. CARMICHAEL** moved, seconded by **Mr. POWER** that the bill be referred back to Committee with instructions to amend the same by providing that the county of Pictou, Nova Scotia, should be divided into two Ridings, each to return one



member. He hoped the Government would accede to his proposition and divide the county in the same way as counties in other Provinces.

**Hon. Mr. TUPPER** did not agree with the principle advocated by the member for Lambton (Hon. Mr. Mackenzie) that there should be a cast iron rule in this matter. Uniformity was given as far as practicable and as far as was consistent with the wishes of the great masses of the population, but it would not be in the interests of the Dominion unnecessarily to introduce a system antagonistic to the views and sentiments of the public. Formerly the counties of Pictou, Hants and Kings were divided, but the local Legislatures swept the system away, and the only representation now in use in Nova Scotia was county representation.

It was therefore proposed to continue the system which the Legislature had unanimously approved, and if the proposal made by the member for Pictou (Mr. Carmichael) were entertained it would introduce a principle antagonistic to that which after experience, the province had adopted as most in conformity with the views of the people. The effect of the bill was that the constituencies of Nova Scotia would remain in the coming election exactly the same as they were five years ago, so that the member for Pictou would have exactly the same constituents, and he should not complain.

The House divided and the names were taken down as in the last preceding division.

**Mr. McCONKEY** did not complain of the divisions but of the want of division. His county had a population of 58,000, and its representation should have been increased. He moved that the bill be referred back to the committee in order that provision might be made that the county of Simcoe which, with a population of 58,000 souls and extended and varied manufacturing interests, should receive one of the six additional seats to which the province of Ontario is now entitled. His county had very considerable manufacturing interests, and perhaps a greater amount of sawn lumber was manufactured there than in the whole of western Ontario besides. He felt strongly in the matter and sincerely believed that his county should have increased representation, rather than such places as Ottawa or Hamilton.

**Mr. FERGUSON** was surprised at the motion, and he wished he could believe that the mover was as sincere as he claimed to be. The mover and he had been members of a deputation which had waited a month ago on the Minister of Justice (Hon. Sir John A. Macdonald) for the purpose of obtaining a division of North Simcoe, and the hon. gentleman (Mr. McConkey) was then satisfied that no change could be made. He complained that the proposal was not mentioned either to himself or the member for Simcoe South (Mr. Little).

**Mr. LITTLE** said whether the mover was sincere or not, he should support the motion, as he thought Simcoe had much great claims to increased representation than either Ottawa or Hamilton.

The members were called in and the amendment was lost on the division: —Yeas, 48; Nays, 83.

*(Division No. 44)*

**YEAS**

Members

Ault	Béchar
Blake	Bourassa
Bowman	Cameron (Huron South)
Carmichael	Cheval
Connell	Coupal
Delorme (Saint-Hyacinthe)	Dorion
Fortier	Fournier
Geoffrion	Godin
Holton	Kempt
Little	Mackenzie
McConkey	McMonies
Metcalf	Mills
Morison (Victoria North)	Oliver
Paquet	Pelletier
Power	Pozer
Redford	Ross (Dundas)
Ross (Prince Edward)	Ross (Wellington Centre)
Rymal	Scatcherd
Snider	Stirton
Thompson (Haldimand)	Thompson (Ontario North)
Wells	White (Halton)
Whitehead	Willson
Wood	Workman
Wright (York West)	Young—48

**NAYS**

Members

Baker	Beaty
Bellerose	Benoit
Blanchet	Bowell
Brousseau	Brown
Campbell	Carling
Caron	Carter
Cartier (Sir George-É.)	Chauveau
Cimon	Coffin
Colby	Costigan
Crawford (Brockville)	Crawford (Leeds South)
Cumberland	Currier
De Cosmos	Delorme (Provencher)
Dobbie	Drew
Ferguson	Fortin
Gaucher	Gaudet
Gendron	Gibbs
Gray	Heath
Hincks (Sir Francis)	Houghton
Hurdon	Keeler
Kirkpatrick	Lacerte
Langevin	Lapum
Lawson	Macdonald (Sir John A.)
McDonald (Lunenburg)	McDonald (Middlesex West)
Magill	Masson (Soulanges)
Masson (Terrebonne)	McCallum
McDougall (Lanark North)	McDougall (Trois-Rivières)
McKeagney	Merritt
Morris	Morrison (Niagara)
Nathan	Nelson

June 8, 1872

O'Connor  
Pinsonneault  
Pouliot  
Renaud  
Ross (Champlain)  
Ryan (King's, N. B.)  
Sriver  
Simard  
Street  
Tilley  
Tremblay  
Wallace (Vancouver Island)  
White (Hastings East)—83

Perry  
Pope  
Ray  
Robitaille  
Ross (Victoria, N. S.)  
Ryan (Montreal West)  
Shanly  
Sproat  
Thompson (Cariboo)  
Tourangeau  
Tupper  
Walsh

Cameron (Huron South)  
Cheval  
Delorme (Saint-Hyacinthe)  
Fortier  
Geoffrion  
Holton  
Mackenzie  
McMonies  
Mills  
Oliver  
Pelletier  
Redford  
Ross (Wellington Centre)  
Snider  
Thompson (Ontario North)  
Whitehead  
Wright (York West)

Carmichael  
Coupal  
Dorion  
Fournier  
Godin  
Kempt  
McConkey  
Metcalf  
Morison (Victoria North)  
Pâquet  
Power  
Ross (Prince Edward)  
Rymal  
Thompson (Haldimand)  
Wells  
Wood  
Young—38

**Hon. Mr. DORION** moved, in amendment, seconded by **Mr. FOURNIER**, That all the words after “That” to the end of the Question be left out, and the words “the County of Quebec contains 19,607 inhabitants, to which it is proposed to add, by this Bill, the Parish of St. Felix du Cap Rouge, while Quebec East contains only 13,206, Quebec Centre 18,188, and Quebec West 28,305; that by adding to Quebec East 3,185 inhabitants of the adjoining suburban population of St. Colomaban, as prayed for by the inhabitants of the County of Quebec,—the population of the County of Quebec would be 16,422 and of Quebec East 16,391, making them more in proportion to the average population of the Electoral Divisions of the Province of Quebec which is 18,346 for each division, than that proposed by this Bill, and that therefore the said Bill be recommitted to a Committee of the whole House, with power to amend the same accordingly,” inserted instead thereof:

He gave as a reason for this, that the people of St. Columban were not farmers, but merely homogenous with Quebec West, and that at a public meeting it had been declared that they were in favour of such connection.

**Hon. Mr. CHAUVEAU** said the hon. member has stated that St. Columban was not composed of any farmers. There are many farmers there. He denied that the people of St. Columban wanted to be added to Quebec West.

**Hon. Mr. DORION** said the hon. gentleman had stated that his statements were untrue, but the only thing he could contradict was the statement that there were no farmers in the Parish of St. Columban, whereas there were a few. He (Hon. Mr. Chauveau), had contradicted also that they wished to be added to West Quebec. The meeting alluded to at Charlebois was composed only of his opponents who numbered some 300 against 1500 of his (Hon. Mr. Chauveau's) supporters.

The amendment was lost on division: —Yeas, 38; Nays, 85.

#### (Division No. 45)

#### YEAS

##### Members

Bécharde  
Bourassa

Blake  
Bowman

Archambault  
Baker  
Bellerose  
Blanchet  
Brousseau  
Campbell  
Caron  
Cartier (Sir George—É.)  
Chauveau  
Coffin  
Costigan  
Crawford (Leeds South)  
Currier  
Delorme (Provencher)  
Ferguson  
Gaucher  
Gendron  
Gray  
Heath  
Houghton  
Kirkpatrick  
Langevin  
Lawson  
Macdonald (Sir John A.)  
McDonald (Middlesex West)  
Masson (Terrebonne)  
McDougall (Trois Rivières)  
Morris  
Munroe  
Nelson  
Pinsonneault  
Pouliot  
Renaud  
Ross (Champlain)  
Ross (Victoria, N. S.)  
Ryan (Montreal West)  
Shanly  
Sproat  
Thompson (Cariboo)  
Tourangeau  
Wallace (Vancouver Island)  
White (Hastings East)  
Wright (Ottawa County)—85

#### NAYS

##### Members

Ault  
Beaty  
Benoit  
Bowell  
Brown  
Carling  
Carter  
Cayley  
Cimon  
Colby  
Crawford (Brockville)  
Cumberland  
De Cosmos  
Dobbie  
Fortin  
Gaudet  
Gibbs  
Grover  
Hincks (Sir Francis)  
Keeler  
Lacerte  
Lapum  
Little  
McDonald (Lunenburg)  
Masson (Soulanges)  
McDougall (Lanark North)  
Merritt  
Morrison (Niagara)  
Nathan  
O'Connor  
Pope  
Ray  
Robitaille  
Ross (Dundas)  
Ryan (King's, N. B.)  
Sriver  
Simard  
Street  
Tilley  
Tupper  
Walsh  
Willson

**Hon. Mr. MACKENZIE** was glad to have the opportunity of voting for once with the hon. member for Cumberland (Hon. Mr. Tupper). That gentleman had said that he was not in favour



of uniformity all over the Provinces but in the several Provinces. The representation of Pictou had been arranged on that basis, and he would give the hon. gentleman an opportunity of supporting the same principle in the following motion—that the bill be recommitted with instructions to divide each of the cities of Ottawa and Hamilton into two electoral districts, and that each district shall return one member instead of the arrangement proposed; which contrary to the general principle prevailing in

Ontario and Quebec, makes the whole of each city one electoral district, returning two members.

The vote was declared lost on the same division as the preceding: —Yeas, 38; Nays, 85.

Concurrence in the bill was then taken and the third reading fixed for Monday.

The House adjourned at six o'clock.

June 10, 1872

## HOUSE OF COMMONS

Monday, June 10, 1872

The **SPEAKER** took the Chair at 3.20 p.m.

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*Prayers*

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## MISCELLANEOUS

**Hon. Mr. MACKENZIE** presented several petitions against the township of Dunn being added to the county of Monck for representation purposes.

**Mr. OLIVER** stated that his name was omitted from the division on Saturday upon Mr. Powers' amendment to the representation bill. He had voted "yea."

The **SPEAKER** ordered that the Journals should be corrected in this respect.

\* \* \*

## THE LOOM PATENT

**Hon. Mr. CHAUVEAU** moved the second reading of the bill to authorize Joseph E. Archer to take out a patent for an invention known as Hollena Roberts Knitting Machine and Loom.

**Hon. Mr. MACKENZIE** opposed the bill on the ground that it was a violation of the principle that had already passed a third reading of the House. It was very objectionable legislation.

**Hon. Mr. CHAUVEAU** said that bill had not yet become law.

**Hon. Mr. McDUGALL (Lanark North)** objected strongly to exceptional legislation of this kind. The principle was unsound and the precedent that would be established was a bad one. There was nothing whatever in the case to justify a patent being issued.

**Hon. Mr. HOLTON** would not discuss the merits of this case, but having passed a general law it was unwise to pass any exceptional legislation, and he called upon the Government to explain their policy.

**Hon. Sir JOHN A. MACDONALD** said that the patent law passed the other day was certainly a strong ground against this bill. He would not say that exceptional cases could not arise, but in this case he did not think such exceptional circumstances had been established.

**Mr. MILLS** raised a question of order, the principle of this bill having been already decided in the patent law just passed.

The **SPEAKER** decided against the point of order. Although the House had adopted the general principle, that did not prevent them considering a special case.

A vote was then taken with the following result: —Yeas, 40; Nays, 76.

(Division No. 46)

## YEAS

## Members

Archambault	Bellerose
Benoit	Blanchet
Brousseau	Caron
Carter	Cayley
Chauveau	Colby
Coupal	Delorme (Provencher)
Dugas	Fortin
Gaucher	Gaudet
Gendron	Gibbs
Heath	Houghton
Lacerte	Langevin
McDonald (Lunenburg)	Masson (Soulanges)
Masson (Terrebonne)	McDougall (Trois-Rivières)
McKeagney	Morrison (Niagara)
Nathan	O'Connor
Pinsonneault	Renaud
Robitaille	Ross (Champlain)
Ryan (Montreal West)	Scriver
Simard	Tourangeau
Walsh	Webb—40

## NAYS

## Members

Anglin	Ault
Baker	Bécharde
Blake	Bolton
Bowell	Bowman
Bown	Brown
Burpee	Cameron (Peel)
Campbell	Carling
Cheval	Chipman
Coffin	Crawford (Brockville)
Crawford (Leeds South)	De Cosmos
Delorme (Saint-Hyacinthe)	Dobbie
Drew	Ferguson
Ferris	Forbes
Fornier	Geoffrion
Godin	Grant



Grover	Holmes
Holton	Jones (Leeds North and Grenville North)
Kempt	Lapum
Lawson	Little
Macdonald (Sir John A.)	Mackenzie
Magill	McCallum
McConkey	McDougall (Lanark North)
McMonies	Metcalfe
Morrison (Victoria North)	Munroe
Oliver	Pâquet
Pelletier	Pickard
Pozer	Ray
Redford	Ross (Prince Edward)
Ross (Victoria, N. S.)	Ross (Wellington Centre)
Scatcherd	Schultz
Shanly	Snider
Stephenson	Stirton
Street	Thompson (Haldimand)
Tilley	Wallace (Albert)
Wells	White (Halton)
White (Hastings East)	Whitehead
Willson	Workman
Wright (York West)	Young-76

\* \* \*

### RELIEF BILL, HOULTON BOND HOLDERS

**Hon. Mr. GRAY** resumed the discussion on the Houlton Branch Railway Company bond holders' relief bill, and moved the House into committee on the proposed amendment. He had consulted the Minister of Justice (Hon. Sir John A. Macdonald) who thought that the bill might pass leaving the shareholders to run the risk of having their case decided before the courts.

**Hon. Sir JOHN A. MACDONALD** said he had examined the matter, and scarcely saw his way out of the difficulty. The courts in New Brunswick had decided the Local Legislature had no jurisdiction in the matter, and if it had not, this Legislature must have. With all due respect for the New Brunswick court, he doubted the correctness of its decision. He was, however, willing to let the Bill pass, at the risk of the bond holders, and it could be tested in the courts, as to whether this legislature had jurisdiction.

**Hon. Mr. BLAKE** said that, having regard to the enormous consequences of this Bill, with reference to a vast amount of railway debentures in Quebec and Ontario, which would be declared illegal by this Parliament by the passing of this Bill, he could not record his vote with the Minister of Justice.

**Hon. Sir JOHN A. MACDONALD** said the point of order was well taken.

**Hon. Mr. GRAY** did not wish to press the matter against the opinion of the House, as it had been stated that large interests in Ontario and Quebec would be affected by its passing. He would therefore withdraw it.

### REPORTS AND BILLS

**Mr. GIBBS** presented the report of the Public Accounts Committee, containing the evidence on the claim of Mr. Schultz for losses in the North West insurrection.

The following bills were then read a second time, referred to Committee, reported, read a third time and passed:—An Act to incorporate the Canada and New York Bridge and Tunnel Company—Hon. Mr. Carling; an Act to amend the Act incorporating the Queenston Suspension Bridge Company—Mr. Morrison (Niagara); an Act to amend the Act incorporating the St. Mary Railway and Bridge Company—Mr. Morrison (Niagara); an Act to amend the St. Francis and Mégantic Railway Act—Mr. Morrison (Niagara); an Act to amend the Act of incorporation of the Ontario and Erie Ship Canal Company—Mr. Morrison (Niagara); an Act to incorporate the Pacific Junction Bridge Company—Mr. Morrison (Niagara); an Act to incorporate the Lake Superior and Fort Garry Railway Company—Mr. Morrison (Niagara); an Act to incorporate the Central Railway Company of Manitoba—Mr. Brown; an Act to incorporate the Manitoba Junction Railway Company—Mr. Shanly; an Act to revive and amend an Act passed by the Legislature of the Late Province of Upper Canada, incorporating the Gananoque and Wiltsie Navigation Company—Mr. Crawford (Leeds South); an Act to incorporate the Lake Superior and Winnipeg Railway Company—Mr. Nathan; an Act to incorporate the North West Railway Company of Manitoba—Mr. Shultz; an Act to incorporate the Thunder Bay Silver Mining Railway Company—Hon. Mr. Gray. The amendments to the Act to incorporate the Agricultural Insurance Company of Canada, from the Senate were concurred in.

\* \* \*

### QUESTIONS BY MEMBERS

**Mr. MASSON (Soulanges)** asked whether an action is brought against the Government by the heirs of De Beaujeu, who claim certain rights of property in respect of ordnance lands at the Fort of Coteau du Lac, has been taken into consideration and decided by the Court; and if not, what are the intentions of the government with regard to that case which has now been long pending before the Court.

**Hon. Sir GEORGE-É. CARTIER** replied that the question was still pending before the Courts and no decision had taken place. His hon. friend would understand that the matter could not be decided by the Government but by judgment of the Court. They had reason to believe that a verdict would shortly be rendered.

**Mr. WORKMAN**, for **Mr. GRANT**, asked whether it is the intention of the Government to supply each of the members of the various Local Parliaments with a copy of the Parliamentary sessional papers.

June 10, 1872

**Hon. Sir GEORGE-É. CARTIER** replied that the question had been answered; that it was not a matter for the decision of the Government but for the action of the House.

**Hon. Mr. GRAY**, for **Mr. RENAUD**, asked whether it is the intention of the Government, before asking a vote of the House for the opening of the Baie Verte Canal (which according to the surveyor's report will cost several millions) to cause a survey to be made of the ground between Shediac and Moncton, and also of the ground between Shediac and Memramcook, in order to ascertain whether it would not be more practicable as a matter of economy to connect the Gulf of St. Lawrence and the Bay of Fundy by that line rather than to follow the line recommended in the report of the survey, the said survey being the only survey made by the Dominion.

**Hon. Mr. LANGEVIN** said it is not the intention of the Government.

**Mr. WORKMAN** asked whether there have been any negotiations between the Grand Trunk Railway Company and the Government, or the Grant Trunk Railway Company and the Commissioners of the Harbour of Montreal for the acquisition by that Company of the railway track along the wharves and harbour of Montreal; and whether the Government have agreed to permit or intend to permit the said Company to carry out their design in that respect as described by the President of that Company in his annual address delivered on the 25th April last, viz, to pay for any design if they become the sole owners of the railway track along the wharves and harbour of Montreal and thereby to acquire the sole right of using the said track for their own trains.

**Hon. Sir GEORGE-É. CARTIER** would inform his hon. friend that he was entirely under an erroneous impression. It was not in the power of the Government to give authority either to the Grand Trunk, the Colonization, or any Railway Company, for that exclusive right. The power was vested in the Harbour Commissioners and the City of Montreal.

**Mr. FOURNIER** asked whether, in conformity with the statement of the Minister of Justice (Hon. Sir John A. Macdonald) the Government have directed Mr. Justice Bossé to comply with the order of the Quebec Government under date of 7th April, 1869, fixing his residence at Montmagny, and whether any and what delay has been prescribed for his compliance with that order.

**Hon. Sir JOHN A. MACDONALD** replied that it was only the other day that he had promised to take the matter up, and from pressure of business he had not been able to do so; but as soon as the Session was over he would, at once communicate with Mr. Justice Bossé.

**Hon. Mr. ANGLIN** asked why it was that the barrack ground and other military property at St. John, New Brunswick, had not passed to the Dominion as similar property in other parts of the Dominion had done; and if, when it is transferred, the Dominion

Government will be prepared to make an arrangement with the corporation of St. John in regard of such property?

**Hon. Sir GEORGE-É. CARTIER** replied that the property had not been handed over by the English Government in consequence of a question raised by the corporation of St. John, but should the surrender be accepted by the Dominion, the property would be for defensive purposes, that is to say for the same object as it was held by the Imperial Government, and the Dominion Government was ready to accept the transfer on that understanding and then allow the corporation of St. John to file any claim they may have against that property.

\* \* \*

#### NOTICES OF MOTION

**Mr. FORTIN** moved for the correspondence respecting St. Lawrence pilots.—Carried.

**Mr. MASSON (Soulanges)** moved for the correspondence respecting the Fort at Coteau du Lac.—Carried.

**Mr. MILLS** moved for copies of the correspondence between the Governments of Ontario and the Dominion, respecting the northern and western boundaries of the Province of Ontario.—Carried.

**Mr. STREET** moved the second reading of the bill to further amend the Act respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders. He explained that the object of the bill was to provide that a deposition taken before a Justice of the Peace, duly sworn to by witnesses upon which the prisoner shall have had every opportunity to cross-examine, should be used before the Court of Appeal in lieu of the oral evidence of the witness should he be absent from the country or too ill to attend the Court.

**Mr. SCATCHERD** objected to the bill and would be sorry to see any measure pass which would prevent parties appealing from the decisions of magistrates.

**Mr. FERGUSON** saw a great deal of objection to the Bill. He had not a very strong faith in the evidence taken before, nor in the decisions of magistrates, and thought that every person should have a right to appeal. The evidence might be taken but should not be binding upon the Judge.

**Mr. DREW** thought that while the Bill would remedy one evil, it would open the door to a greater. From experience he could say that many giving evidence before magistrates were ignorant persons and the evidence was not always taken down correctly, and when cases were taken into the Courts the facts were found to be quite different.

**Hon. Sir JOHN A. MACDONALD** had been anxious to hear the opinions of hon. gentlemen who had had experience in the



country on the point. The House would see that the matter was a local one, applying particularly to the Niagara frontier. Foreigners and Americans visiting there and getting into disputes with cabmen and others were frequently badly used, and on applying to a magistrate for relief the offender would appeal, knowing that the traveller would not be able to await the appeal, and thus injustice was done to strangers visiting Canada.

His hon. friend had taken great care in providing that all the evidence taken before magistrates should not be read in appeal but only in cases where a magistrate sits as judge to try parties under the Summary Conviction Act, so that when the case is brought up in the Quarter Sessions afterwards, the party being out of the country, all the evidence may be read. The reason was a local one, pressing very much upon that part of the country represented by his hon. friend (Mr. Street), but he would recommend him not to press it and the matter could be taken up next session.

**Mr. STREET** said the Minister of Justice had correctly stated the case and under the circumstances he would withdraw his bill.

\* \* \*

### COPYRIGHT

**Hon. Sir FRANCIS HINCKS** moved the House into Committee to consider certain resolutions on the subject of copyright.

The Committee rose, reported, and the resolutions were read a first and second time.

It being six o'clock the House rose.

### AFTER RECESS

#### THE REPRESENTATION BILL

**Hon. Sir JOHN A. MACDONALD** moved the third reading of the bill for the readjustment of representation.

**Mr. WORKMAN** having received a petition from Montreal against the bill, now desired to express his views on the subject. He read the petition objecting strongly against the proposed division of Montreal, and advocating the separate representation of the commercial portion of the community, and urging that the present division gave the most general satisfaction. The petition was signed by 751 of the principal merchants of the city, and headed by Sir Hugh and Mr. Andrew Allan. He then placed the petition on the table, stating that in point of wealth, position and standing of those who had signed it, no such petition had ever

been laid before the House. The petition came from a "Protestant minority" of Montreal.

**Hon. Sir GEORGE-É. CARTIER:** Is that in the petition?

**Mr. WORKMAN** had letters to that effect. He then referred to the present division of Montreal, the central division comprising nineteen-twentieths of the entire mercantile community of the city. He then quoted the amount of duties paid by Montreal, claiming that the Central division which he represented contributed nearly 45 per cent of the entire customs revenue of the Dominion. He referred to his division as having been at first formed by the Minister of Militia (Hon. Sir George-É. Cartier) saying that he and the Government were well satisfied so long as the division was represented by a thick and thin supporter of theirs, but the moment a change took place, and he (Mr. Workman) was returned, the Government desired to change the constituency. He was glad to see the additional representation given to the commercial interest in Ottawa, Toronto and Hamilton; and claimed that on the same principle the manufacturing interest of Montreal Centre should be allowed separate representation. If Montreal had members in the same ratio as Ottawa, she would have ten. He desired above all to avoid religious controversy and should not have now mentioned it but for the remarks of the Minister of Militia on the subject a few days ago, as reported in the *Toronto Mail*, from which he quoted, as he believed it contained the best report published.

The Minister of Militia (Hon. Sir George-É. Cartier) had stated that the proposed division would practically make the West ward a Protestant ward. He denied that this would be the case, and quoted the figures showing a majority of over 5,000 Catholics, and he challenged the Minister of Militia to prove his statement. Though the number of voters in Montreal Centre was small, it comprised those who, to a large extent, comprised the wealth, intelligence, and enterprise of the Dominion, and they only asked to be let alone and not overwhelmed by an immense number of voters who differed from them in nationality, religion and occupation.

Among those voters who were to be added to the Central Division, 6,000 were Protestant and 13,000 Catholics; and while he did not desire in any way to reflect on the Catholics, he must in self-defence refer to the matter. As at present, the Centre Division was mainly Protestant.

Turning to the matter of property, the Protestants possessed property in the proportion of nineteen to seventeen as compared with the Catholics and, therefore, in point of numbers, they had a right to a member which they could not have if overwhelmed by Catholics votes as proposed in the present measure; and he appealed to the members of Ontario on behalf of that Protestant minority, as men and co-religionists, not to allow them to be disfranchised. He quoted letters from gentlemen in Montreal, his political opponents even, condemning the changes as most

June 10, 1872

outrageous, foolish and uncalled for; and saying that, but for the want of time, the number of subscribers to the petition would have been doubled. He maintained that the proposed change would, in case Protestants were even ranged against Catholics at the polls, altogether overwhelm the Protestant interest.

He hoped that he had made out his case, and if not it was not his fault nor the fault of his cause. He moved, seconded by **Mr. ROSS (Prince Edward)**, that the bill be not now read a third time, but referred back to Committee to strike out all the proposed changes in Montreal.

**Mr. RYAN (Montreal West)** said if he regarded the measure with a view to his individual interests, he should entirely oppose it, but looking at it in a broader and nobler sense, he should not take that course. The hon. member (Mr. Workman) had appealed to the Protestants of Ontario but his own position gave him no foundation for such an appeal. During many years Montreal had returned one Protestant and two Catholics and, in the case of Trois-Rivières and other constituents, Protestants were returned by Catholic voters; and this showed that Lower Canada was not ruled by bigotry. The Protestant population of Montreal was not one-third as had been stated, but whatever division took place the feeling of justice and fair play animating the Roman Catholics would ever continue and would result in returning one Protestant.

He should, therefore, oppose the amendment, believing that the measure proposed would effect a just and fair division in point of numbers. He quoted from the *Montreal Witness*, saying that on the whole the end proposed by the measure would be gained. The French have the majority in the east, the Irish in the west, and the mercantile community in the centre. He referred to the representation in the City Council, where there were five Protestants and three Catholics. The fact was that the measure might affect his colleague and himself. They would have to exchange constituencies probably but looking at the measure altogether and not on individual grounds, he should support it.

**Hon. Sir GEORGE-É. CARTIER** referred to the petition presented by Mr. Workman, stating that among the subscribers there were the names of men of the highest standing and especially Sir Hugh Allan who headed the list; but if he criticized the petition he could show it to be variously signed and by no means comprising the entire mercantile community. The petition, however, only protested against the division on commercial grounds and did not take the grounds mentioned by the member for Montreal Centre (Mr. Workman) that justice was not done to the Protestants.

The petition did not use the argument because there was no reason for it, and he would therefore refer to the commercial argument. It was absurd to say that the Central Division comprised all the mercantile interest. It might contain the importers, but there were the gentlemen concerned in the great lumbering trade and other branches of exports who resided in

other parts, and the addition of St. Anne's Ward made the Central Division more properly a commercial ward than before.

Montreal was prosperous and successful and was becoming the commercial focus of the Dominion, and to say that that state of things arose solely from the Centre Ward with its present small population was absurd. He referred to the population of Montreal, according to the present census as sustained by the census taken in the city, to show the small population of the Centre Ward. *(At this point there was a loud cry from a baby in the gallery causing great amusement and laughter and bringing Hon. Sir George-É. Cartier to a full stop.)*

**Hon. Mr. HOLTON:** Put down for once.

**Hon. Sir JOHN A. MACDONALD:** No; on the contrary, I think my hon. friend has been paid high compliment, inasmuch as he has succeeded in attracting the attention of the infantry. *(Laughter.)*

**Hon. Sir GEORGE-É. CARTIER** said the whole population of Montreal Centre was 5,264; among whom were 4,232 Catholics. The number of voters was 2,392. The entire population consisted of 79,000 Catholics and 29,600 Protestants, there being among them 58,000 French Canadians; and he desired to state these figures in reply to the charge that he (Hon. Sir George-É. Cartier) was endeavouring to put the Protestants in a false position. He had stated, as mentioned by the member for Montreal Centre (Mr. Workman), and as reported in the *Mail*, which he acknowledged gave the best and most trustworthy report of Parliamentary proceedings, that in the West Ward the strongest electoral element was Protestant; and he maintained this to be the case the figures being as follows: French Canadians, 2,300; Irish, 1,000; and Protestants, 2,600.

He quoted from the *Nouveau Monde* in French, translating it, to the effect that Montreal, two-thirds Catholic, would always return one Protestant, and accusing him (Hon. Sir George-É. Cartier) of being anti-Catholic while the member for Montreal Centre (Mr. Workman), making himself the Protestant champion, accused him of being anti-Protestant and all this proved him to be in fact, virtue itself. *(Laughter.)*

He (Hon. Sir George-É. Cartier) was a sincere Catholic desiring his faith to be respected as he would respect that of others and he desired that the mercantile community of Montreal should have a representative. He himself respected religion and thought very little of any one who said he cared nothing for it. He had always spoken in the same way on religious questions, no matter what his audience, and every one who had a faith ought to feel that he would receive that justice in the country that would make him feel that religiously he was not in a minority.

He quoted from the *Montreal Daily News*, approving of the measure, but expressing surprise that he (Hon. Sir George-É. Cartier) should pursue a policy in the matter that would tend to



alienate his own friends and saying that he (Hon. Sir George-É. Cartier) was a tried and trusty friend to the Protestant electors of Montreal and he thought that was a pretty good certificate from a Protestant paper to him, a Catholic. He maintained that the Protestant vote was paramount in Centre Montreal referring to the recent municipal elections, regretting, however, that any religious feeling should then have been invoked.

**Hon. Mr. HOLTON** said there was no religious element in the question.

**Hon. Sir GEORGE-É. CARTIER** denied this, quoting the *Nouveau Monde* in his support. A more equitable redistribution of the representation of Montreal could not be made than that contained in the bill and he quoted the number of voters in each division, stating it to be out of the question that Montreal Centre should be left as at present in the interest of the present member.

**Mr. WORKMAN:** Who made the previous division?

**Hon. Sir GEORGE-É. CARTIER** acknowledged that he had done so, but maintained that the circumstances were then very different. He denied the charge that he had desired to get rid of his own constituents, and concluded by maintaining again the equitable readjustment of the representation.

**Hon. Mr. HOLTON** said he intended to support the motion of the hon. member for Montreal Centre (Mr. Workman) although on different grounds. He would state his reasons. If the Minister of Militia (Hon. Sir George-É. Cartier) would bring in a measure to correct all the anomalies in the representation, he would be prepared to consider it; but why deal with this one constituency? Why not let things alone until the time arrived for a general change? He (Hon. Mr. Holton's) main objection was the exceptional character of the legislation. He would not discuss the question of Catholics and Protestants. Religious questions had not been brought up in his elections. He had not been successful with such a cry and he had not been defeated. The ground on which Montreal Centre was organized ten years ago was good to-day. The English population was great then and they have not since demanded any change, and therefore it was unwise to make any change unless asked for.

**Hon. Mr. POPE** could not understand why the member for Montreal Centre (Mr. Workman) did not desire a change. It was because the constituency was so small. He (Hon. Mr. Pope) represented a minority in Lower Canada and did not think that this subject should be discussed as between Catholics and Protestants.

**Mr. WORKMAN:** I did not raise it.

**Hon. Mr. POPE** contended that he had, quoting his language to the effect that the merchants of Montreal did not wish to be hemmed in by Catholics. He (Hon. Mr. Pope) had felt it his duty to place such questions beyond the reach of political discussion; and while he acknowledged fealty to the Protestant minority in Lower

Canada, he deprecated the attempt to make political capital by raising creed against creed.

**Hon. Mr. CAMERON (Peel)** thought that the Protestant minority in Lower Canada had no reason to complain of the manner in which they had been treated by the Roman Catholics. He had felt strongly on this point. When it was represented that the proposed change would place the Protestants in a worse position he had felt as a Protestant that if there was to be an arrangement of that kind it was his duty on behalf of his religion to do everything in his power to pre-read it. He had consequently communicated with Protestant friends in Montreal who had informed him that the proposal change would strengthen the Protestant vote. If it had been otherwise, he did not hesitate to say that he would have voted against the measure. (*Hear, hear.*)

**Mr. SCRIVER** thought that the member for Montreal Centre (Mr. Workman) had no intention of raising the religious question. He had spoken in a state of excitement, and had used language which he probably did not mean. From his past experience of the career of the Minister of Militia (Hon. Sir George-É. Cartier) he had no doubt that the Protestant minority would be liberally dealt with.

His opposition to the bill was on a different ground. He believed that the commercial centre of Montreal was entitled to representation, but by the proposed change they would not be able to have such representation. He quoted from the *Montreal Witness* of a later day than that quoted by Hon. Sir George-É. Cartier, to the effect that the commercial community did not approve of a change in the representation. The *Montreal Herald* and *Gazette* also opposed the change. He was bound therefore to support the amendment of the hon. member for Montreal Centre (Mr. Workman).

**Hon. Sir JOHN A. MACDONALD** regretted that his hon. friend from Montreal Centre (Mr. Workman) should have raised the religious question. He felt sure that the measure under discussion would not affect the balance of parties in that respect.

**Hon. Mr. HOLTON** said no such thing as a religious question had ever been raised in any of the political contests with which he had been connected.

**Hon. Sir JOHN A. MACDONALD** was glad to hear his hon. friend who had had long experience say so. He (Hon. Sir John A. Macdonald) since 1841 could bear testimony to the fairness with which Protestants had been treated as regarded representation in Montreal; and if, there had been an inequality it was because there had been two Protestants. The attempt, therefore, to introduce the religious elements was unfortunate.

He did not blame the member for Montreal Centre (Mr. Workman) for desiring to protect the interests of the Protestants, but he regretted extremely that he had attempted to rouse the religious feelings of the Protestants of Ontario against the Catholics of Lower Canada as the rousing of these feelings in Upper Canada would

June 10, 1872

revive the latent feeling in Lower Canada against the Protestants and would react in the Local Legislature there. He could not complain of the tone of the member for Châteauguay (Hon. Mr. Holton) in the matter for that hon. gentleman in the past had consistently advocated tolerance in religious matters and he would no doubt continue to do so in the future; but his argument was erroneous in that he said he could not vote for the change proposed in Montreal because it was exceptional legislation, although he admitted it to be an essential reform if applied to all the Dominion.

All reforms had to be gradual, and if he (Hon. Sir John A. Macdonald) remembered aright, no later than Saturday the hon. gentleman voted for one piece of exceptional legislation in adding Pont Neuf to Quebec; and therefore on that ground and also in order to show his disapproval of the introduction of religious feeling into the discussion the hon. gentleman ought to vote against the amendment proposed by the member for Montreal.

With reference to the argument of the member for Huntingdon (Mr. Scriver) that the commercial interest ought to be represented, he contended that the addition of Griffintown to Montreal Centre in no way took away from its character as a mercantile constituency inasmuch as humble artisans were quite as much a portion of the commercial interest as were the wealthy employers. In every principle, then, the measure was just. There was an equalization of votes, the different interests were represented and jealousy of race was prevented, inasmuch as in all probability the elections would result in the return to Parliament of a French Canadian, an Irish Catholic, and an English Protestant.

**Mr. FERGUSON** regretted extremely that the religious question had been introduced, but thought that the speech of the Minister of Militia (Hon. Sir George-É. Cartier) had set that matter at rest. He had it from gentlemen in Montreal that the proposed change would do no injury to the Protestant feeling there, and the Minister of Justice (Hon. Sir John A. Macdonald) had clearly shown the House that the power of the merchants would be increased rather than decreased. He could not see the justice of a city of some 107,000 people being divided into three constituencies, one having only 7,000 people, while the other two had 50,000 each. He hoped his hon. friend from Montreal Centre (Mr. Workman) would be convinced that justice had been done, and that the Protestants would not suffer. He should have no hesitation in voting against the amendments.

**Mr. BOWELL** thought the member for Montreal Centre (Mr. Workman) had been rather harshly treated. Although that gentleman might have spoken warmly, he had not originated the question of creed or religion in the discussion. If any feeling had been aroused it was due to the Minister of Militia (Hon. Sir George-É. Cartier). He felt that the premises laid down by the Minister of Militia had not been borne out by the facts. It had been shown that the Catholic vote of the proposed new division would exceed the Protestant by some 6,000. If he rightly understood the matter St. Anne's ward was almost exclusively a manufacturing ward, while the present Centre Division was composed of

merchants and importers whose interests were diametrically opposed to those of the manufacturers, and yet it was proposed to throw these interests together. He would vote for the amendment.

**Hon. Mr. ANGLIN** thought the hon. gentleman should have appealed to the justice of both Protestants and Catholics rather than to Protestants only. Had he made out a case he (Hon. Mr. Anglin) would have voted for the amendment as he felt that justice was due to the minority in all cases. He had listened with attention to the statements of facts and thought there was no danger of Montreal ever being without a Protestant representative. He would vote against the amendment.

**Mr. WORKMAN** maintained that he had not introduced the religious question but that it had been forced upon him by the Minister of Militia (Hon. Sir George-É. Cartier). He did not wish to say one word that would be offensive or objectionable to the Roman Catholics. He had lived among them in peace for forty years and he did not wish any member in the House to think that he had the least feeling against that body. He quoted from the *Montreal Gazette* and *Herald* to shew that the proposed change was distasteful to the people of Montreal and would again state that if he had said one word offensive to any Roman Catholic, he humbly wished to withdraw it.

The members were then called in, and **Mr. WORKMAN'S** amendment lost on a division: —Yeas, 21; Nays, 95.

(Division No. 47)

## YEAS

### Members

Bolton	Bowell
Connell	Delorme (Saint-Hyacinthe)
Fournier	Geoffrion
Godin	Holton
Jones (Leeds North and Grenville North)	Lapum
Magill	Munroe
Pâquet	Pelletier
Redford	Ross (Prince Edward)
Scriver	Stirton
White (Hastings East)	Workman
Young—21	

## NAYS

### Members

Anglin	Archambault
Baker	Béchar
Bellerose	Benoit
Blake	Blanchet
Bowman	Bown
Brousseau	Cameron (Peel)
Campbell	Carling
Caron	Cartier (Sir George-É.)
Cayley	Chauveau
Cheval	Chipman
Cimon	Coffin
Colby	Costigan
Coupal	Crawford (Brockville)
Crawford (Leeds South)	Cumberland
Currier	Drew



Dugas  
 Forbes  
 Fortin  
 Gaudet  
 Gray  
 Heath  
 Keeler  
 Lacerte  
 Lawson  
 Macdonald (Glengarry)  
 McDonald (Lunenburg)  
 Masson (Soulanges)  
 McCallum  
 McDougall (Lanark North)  
 MacDougall (Trois-Rivières)  
 Merritt  
 Mills  
 Morris  
 O'Connor  
 Pinsonneault  
 Pouliot  
 Ray  
 Robitaille  
 Ross (Victoria, N. S.)  
 Ryan (King's, N. B.)  
 Scatcherd  
 Stephenson  
 Thompson (Cariboo)  
 Tilley

Ferguson  
 Fortier  
 Gaucher  
 Gendron  
 Grover  
 Hincks (Sir Francis)  
 Kempt  
 Langevin  
 Little  
 Macdonald (Sir John A.)  
 Mackenzie  
 Masson (Terrebonne)  
 McConkey  
 McDougall (Renfrew South)  
 McKeagney  
 Metcalfe  
 Morison (Victoria North)  
 Morrison (Niagara)  
 Oliver  
 Pope  
 Pozer  
 Renaud  
 Ross (Champlain)  
 Ross (Wellington Centre)  
 Ryan (Montreal West)  
 Snider  
 Street  
 Thompson (Haldimand)  
 Tourangeau

Tupper  
 Webb  
 White (Halton)  
 Wright (York West)—95

Walsh  
 Wells  
 Wright (Ottawa County)

The bill was then read a third time and passed.

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### SUPPLY

The House then went into Committee of Supply. **Mr. STREET** in the Chair. Various items were passed without discussion and the Committee rose and reported.

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### ELECTION ACT

**Hon. Sir JOHN A. MACDONALD** introduced a bill to amend the Parliamentary Election Act of 1871. He also gave notice that tomorrow he would move an address to his Excellency Lord Lisgar, on the occasion of his leaving the country.

The House adjourned at 11.30 p.m.

June 11, 1872

## HOUSE OF COMMONS

Tuesday, June 11, 1872

The **SPEAKER** took the chair at 3 o'clock p.m.

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*Prayers*

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After routine,

## EXTENDING ACTS

**Hon. Mr. TUPPER** moved the House into Committee, **Mr. McDONALD (Middlesex West)** in the chair on the following resolutions:—That it is expedient to extend to the Provinces of British Columbia the following Acts:—The Act 31, Vic., Cap. 58, respecting the navigation of Canadian waters; the Act 51 Vic., Cap. 59, relating to lighthouses, buoys, and beacons; the Act 31 Vic., Cap. 64, respecting the treatment and relief of sick and distressed mariners; and the Act 31 Vic., Cap. 65, respecting the inspection of steamboats, and for the greater safety of passengers by them, and to authorize the imposing of the like tonnage rates and fees as are imposed by the said two last-mentioned Acts for the purpose of paying the expenses and remunerating the services required in carrying out their provisions.

The resolution was reported, without amendment, and **Hon. Mr. TUPPER** introduced a bill founded thereon, which was read a first time.

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## ADDRESS TO THE GOVERNOR GENERAL

**Hon. Sir JOHN A. MACDONALD** rose to move an Address to His Excellency Lord Lisgar, expressive of the regret of the House at his departure. He said that the course of the nobleman had been such during his stay in Canada as to command and to retain the good feeling of everyone in the country during the whole of his administration. He (Hon. Sir John A. Macdonald) believed the House would agree with him in saying that he had performed the duties of his position, as the representative of Our Most Gracious Queen, in a manner that demanded the respect and esteem of all classes of our people, and especially of the representatives of the people in Parliament. (*Hear, hear.*) It was not surprising that Lord Lisgar should have pursued a constitutional course in the performance of his duties, as long experience in public life in England, as an officer of the Imperial Government, as a member of Parliament, and in several other high positions, had fully qualified him to understand and to carry out the principles of responsible

government, as they obtain in this colony and most of the colonies of the empire. He (Hon. Sir John A. Macdonald) thought, therefore, that everyone would agree with him that it was fitting, as it was usual in such cases, that Parliament should express its real feelings with respect to the Governor-General, on his retiring from office. Personally he regretted exceedingly that the intercourse which, during the whole time Lord Lisgar had been in office, had been pleasantly conducted between that nobleman and himself and the other members of the Government, should now end. In every respect Lord Lisgar had been an exemplary governor. (*Hear, hear.*) For reasons personal to himself he had found it proper to give up the government of Canada, and, while we have every reason to believe, and to know that he will be succeeded by a countryman of his own equally worthy of our good feeling, yet those who knew him would regret his departure. Without further remark he (Hon. Sir John A. Macdonald) moved, seconded by the hon. member for Lambton, that an humble address be presented to his Excellency conveying an expression of that regret.

**Hon. Mr. MACKENZIE** in seconding the motion, observed that under our system of Government, alike in England and her colonies, all that we had to expect from the head of the State was that he would preserve that impartial position between political parties that was absolutely necessary on the part of the Chief of the Executive. Of late years they had always been able to give due credit to their Governors for the performance of those duties which devolve upon the representative of a Constitutional Sovereign, and it must afford the greatest pleasure to the members of that Parliament to have witnessed the care that had been taken of late years by Her Majesty's representatives in this country, and not less by Lord Lisgar than by his predecessors, and how they had observed that dignified neutrality that became their position, as a former Governor of Canada had characterized the proper position of an Administrator here. He had great pleasure in seconding the motion of the Premier for an address to his Excellency, believing that it was due to him that the House should manifest its regard for his administration of the affairs of the country in that respect. Were the address to ask the endorsement of the Administration, as a phrase in it seemed almost to imply, of course he could not agree to it. That, of course, was simply to be understood so far as his Excellency was concerned, and could not in any respect cover the acts of his Ministers, to which he (Hon. Mr. Mackenzie) had the strongest possible objection. (*Laughter.*) But he was bound to say that he had no reason whatever to identify his Excellency with those things upon which they differed in that House. Lord Lisgar had endeavoured to maintain that due balance between parties that was always required of Her Majesty's Representative in this country; he had on all occasions shown himself most accessible to all classes of the Canadian people, and had endeavoured so to discharge all duties



devolving upon him as Governor-in-Chief of the principal British Colony, that all classes must give their cordial approval to his course. As he (Hon. Mr. Mackenzie) had stated, when seconding a similar address to his predecessor, they appreciated his impartial conduct all the more because on former occasions they had suffered, as hon. gentlemen opposite happened to know, from a different course being pursued by another gentleman in that high position. He seconded the address with the greatest of cordiality and good feeling personally towards his Excellency, and he spoke the sentiments of many gentlemen, if not all, on his side of the House, in saying that his Excellency's conduct of government had met the general approval of the people of this country; and that he would leave this country, not only with the good feeling but with the regrets of the people that he had taken his departure before the usual time allotted to Her Majesty's representatives in this Colony. He was sure that the good wishes of this country would go with his Excellency, and if anything they could say in his favour would commend him to any special marks of his Sovereign's regards, it would be received very gratefully by the people of this country.

**Hon. Mr. McDougall (Lanark North)** said that as he was one, if not the only one, of those outside the Government who had enjoyed confidential relations with His Excellency, he desired not to content himself simply with a formal approval of the resolution before the House, but to add one word in corroboration of the sentiments which had fallen from both sides of the House. It was true that Lord Lisgar's administration had fallen upon happy times. There had been no ministerial crisis, no great occasion for the display of those high qualities which the member for Lambton (Hon. Mr. Mackenzie) had spoken of with so much propriety; but he (Hon. Mr. McDougall) was sure, and he believed all others who had had official relations with Lord Lisgar, must feel equally confident, that, if any such occasion had presented itself, he would have held the scales of office evenly and justly in any constitutional crisis. He was a man of great knowledge and experience, and he (Hon. Mr. McDougall) felt sure that, on leaving his present charge and taking his place among the public men of England, his associations with the public men of this country, his knowledge of its great resources, and conviction of the brilliant future that is in store for it, will enable him to confer great benefit on this country. We must all feel his loss, even though we have the happiness of knowing—and he spoke from private as well as public information—that his successor, Lord Dufferin, is a man of great qualities and a large experience, and will, we all believe, fill his office with as much distinction and impartiality as the noble Lord who is now leaving us. (*Hear, hear.*)

The motion was then carried and a select committee appointed to draft an address. The committee reported the following which was adopted and sent to the Senate for concurrence:—

“To His Excellency the Right Hon. John Young, Baron Lisgar, G.C.B., G.G.M.G., Governor-General of Canada, &c.

“We, Her Majesty's loyal and dutiful subjects, the House of Commons in Parliament assembled, beg leave to express to Your

Excellency our sincere regret that the termination of your official connection with Canada now approaches.

“To the able and distinguished discharge of the trusts confided by our Gracious Sovereign to Your Excellency in other portions of Her Majesty's dominion, has been happily added that of the government of Canada. In expressing our regret at your Lordship's approaching retirement from the high office of Governor-General, we venture to add our congratulations that Your Excellency's administration of that office has been characterized by the great development of the dominion, and its marked prosperity, as well as by the extension of its boundaries from the Atlantic to the Pacific Oceans.

“Your Excellency will bear from our shores our high respect and esteem. We trust that Your Excellency will long enjoy the honours conferred on you by Her Majesty, and that you may be spared for many years to give, as one of the grand council of the nation, the benefit of Your Lordship's experience and tried ability in maintaining the welfare and integrity of the British Empire.”

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#### CENTRAL BANK OF NEW BRUNSWICK

**Mr. PICKARD** moved the second reading of the bill to authorize the winding up of the Central Bank of New Brunswick. —Carried.

The House went into Committee on the bill, reported it, and it was read a third time and passed.

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#### TEA AND COFFEE DUTIES

**Hon. Sir FRANCIS HINCKS** moved the House into committee on the resolution for the repeal of the tea and coffee duties. He explained that the resolution he now proposed was to the effect that all tea and coffee imported from any country, other than the United States, should come in duty free; but that a similar duty should be charged on those articles imported from the United States as the Americans imposed on tea and coffee imported from places other than the countries of its production.

**Hon. Mr. MACKENZIE** said it appeared to him that this was a violation of the Treaty obligations with the United States, by which we were bound not to make any discriminating duties. In any case he did not believe in retaliatory legislation and did not think we should impose a burden on our people, because another country imposed burdens on theirs.

**Hon. Sir FRANCIS HINCKS** thought that the proposed measure would not interfere with our trade obligations with the United States.

**Mr. JONES (Leeds North and Grenville North)** objected to these cries of retaliation and free trade being raised whenever any tariff question was discussed. The people of the United States

June 11, 1872

legislated for the benefit of their own people, and did not consider whether it was retaliatory or not; and we should adopt the same course.

**Hon. Mr. HOLTON** said this was another step in the reactionary course adopted by the Minister of Finance since his return to the country, and he trusted there was independence enough in the House to refuse to do the bidding of the Finance Minister, who had been recreant to his principles in the matter of free trade. He did not think the House should be asked to follow the example of Yankee protectionists, and impose onerous burdens on our own people to benefit only a few importing houses.

**Hon. Sir FRANCIS HINCKS** denied the imputation that he had been recreant to his principles in the matter, and reminded the hon. gentlemen of a policy similar to that under discussion, which he adopted some twenty years ago. It was not adopted in order that the neighbouring country might not place us at disadvantage; and some of his friends in Montreal, strong free traders, had approved of the proposition. The question raised by the member for Lambton as to our treaty obligations, was important; but he felt sure that the resolution did not interfere with those obligations. He then referred to McCulloch's Commercial Treaties, and quoted a clause which confirmed his opinion.

**Mr. WORKMAN** approved of the proposition of the Finance Minister, and thought it would give general satisfaction to the trading community.

**Hon. Mr. HOLTON** asked whether it would be approved by the consumers of tea and coffee.

**Hon. Sir FRANCIS HINCKS** said it would not affect them.

**Hon. Mr. HOLTON** contended that it would affect them more than under a free trade policy. He denied that, because a few importing houses in Montreal approved of this measure, it was therefore a good one. If the Finance Minister had said that the duties were necessary for fiscal reasons, it would have been another thing; but, in the absence of that fact, the public should have the benefit of absolute free trade in these, the primary necessities of life.

**Hon. Mr. MACKENZIE** observed that in one of the statements that had lately been published, that the merchants of Chicago and Detroit would be able in future to bring in tea four or five cents per pound cheaper by railway than by sea. The result of this increased facility for importing would be that merchants in the western part of the country, in Manitoba and other parts, would be able to bring tea from the United States cheaper than it would be possible to bring it from Montreal. The course which the hon. gentleman proposed, however, would be discriminating against the introduction of tea from that quarter in favour of its importation by Montreal. The hon. gentleman had no right to propose that, for it was a vicious kind of legislation.

**Hon. Sir FRANCIS HINCKS** said there were merchants in Toronto, and he dared say there were merchants in other western cities also, who imported direct from China. They were entirely satisfied with this arrangement, and under it they could import direct from China, by way of San Francisco, free of duty; so that they could bring tea in quite as cheaply as it could be obtained from American merchants.

**Hon. Mr. MACKENZIE** was aware that they could import direct by rail by bonding at San Francisco; but that would involve the employment of an agent or the opening of a branch house in that city. It was no argument for the measure that the merchants were in favour of it. The House was not legislating for the tea dealers, but for the public; and he believed that the proposition would have a more or less injurious effect.

**Hon. Mr. CONNELL** said the proposed arrangement would have the effect of compelling merchants in the Lower Provinces to import from England, or direct from China, instead of from the United States as now. He did not think that would be fair. Let the United States take their own course; and he did not see why, because they did, that our merchants should be deprived of the advantage of buying in the United States or wherever else they could buy cheapest. The principle upon which the measure was founded was wrong, and the effect of it would be to injure small dealers and throw the trade into the hands of a few.

**Hon. Mr. TILLEY** said it was only yesterday the Government had received a telegraphic communication from a Halifax merchant, whom he knew imported direct from China, asking whether, under this arrangement, teas imported direct from China through the United States would be admitted free of duty. That would be the case under the proposition before the House; there was no doubt of it. It was true the general effect of the arrangement would be to stimulate importations, either from England or direct from China; but importations to Canadian merchants through the United States would come in free of duty.

**Hon. Mr. CONNELL** said that was all very well, but the plan would nevertheless work unfairly, by throwing the business into the hands of a few individuals who were able to engage in the direct trade. He did not see why it should not be free.

**Hon. Mr. JONES (Leeds North and Grenville North)** said scarcely any hon. gentleman got up to speak upon any question connected with the tariff who did not mention the subject of free trade. Now, what was free trade? He would like to know what hon. gentlemen really meant by it. Was England a free trade country, where \$30,000,000 were raised by taxes levied upon the productions of foreign countries? Why, in the country everything imported from abroad was taxed except a few raw materials, which were necessary to carry on the manufacturing enterprises of England. Was that free trade in the meaning of hon. gentlemen who used the phrase so frequently? (*Hear, hear.*) Why it was necessary for this country to raise revenue by means of duties on imports, and if these duties were not levied on tea and tobacco and other articles,



the production of foreign countries, they must be placed on articles which the people of this country produced. When gentlemen spoke of free trade he would like them to say plainly what they meant by it; what articles they would wish to see taxed; or, if none, where the revenue was to come from. (*Hear, hear.*)

**Mr. BOLTON** said under this arrangement New York merchants might send teas to Canada, and by simply making a declaration that they were imported directly from China, get them admitted free of duty. He did not see, therefore, that the law would be effectual in securing what it professed to secure.

**Hon. Mr. TILLEY** could not understand how it could be held to be a direct importation if an American merchant imported to New York and then from New York to Canada. There would be no privilege of free admission in that case. It would be different if a Halifax merchant, for instance, ordered 1,000 chests of tea from China, and they were landed in New York on their way to the Dominion, they would be allowed to enter free of duty.

**Mr. BOLTON** did not see how it would be possible to discriminate between the two cases.

**Hon. Sir FRANCIS HINCKS** said it would be very simple. The invoices would show whether the shipments were made in China to a New York or a Canadian merchant.

The motion was then carried and the committee rose and reported.

Upon the question of concurrence,

**Hon. Mr. HOLTON** said it was useless to continue the discussion upon the subject, or to offer any amendment. He would confine himself to a verbal protest against this reactionary policy, this re-imposition of duties not required for the purposes of revenue upon a primary necessary of life. He believed that the measure would be fully understood by the country, and that any effect which might be produced by prolonged discussion would be equally caused by a simple statement of the proposition of the hon. gentleman. He (Hon. Mr. Holton) did not intend to raise any point of form against concurrence in the resolution, nor did he propose to divide the House upon it.

The resolution was then concurred in, and Sir Francis Hincks introduced a bill founded upon it.

\* \* \*

#### CANADA SHIPPING COMPANY

**Hon. Mr. ABBOTT** moved concurrence in the amendment made by the Senate to the bill to incorporate the Canada Shipping and Forwarding Company.—Carried.

#### THE INTERCOLONIAL RAILWAY

**Hon. Sir FRANCIS HINCKS** moved concurrence in the resolution adopted in Committee of Supply, for granting \$5,400,000 for the Intercolonial Railway.

**Hon. Mr. MACKENZIE** asked for explanations respecting the Miramichi Bridge. He had been informed upon high engineering authority that the decision arrived at by the Government, namely, to continue the original plan of construction, was one which was almost certain to prove unfavourable, in other words, that if it was attempted to raise the structure upon the bed of hardpan that lay between the surface of the earth and the rock, instead of penetrating to the rock itself for a foundation, the weight which would rest upon the hardpan would be too great, and the inevitable result would be that the bridge would sink, and thus destroy the connection of the railway at that place. The statement that had been made to himself upon this point was very strong and conclusive. It was a very grave matter if the principal bridge on the road was built upon an unsuitable foundation, and he thought it was a subject in regard to which the House might legitimately call for explanations.

**Mr. WALSH** said the whole correspondence on the subject had been before the House for some time past. The question of the sufficiency of the stratum forming the foundation only arose with regard to the North-West branch of the river, and the bridge on the South-West branch was being proceeded with according to the original plan. When the question came up it was deemed to be of sufficient importance to require the opinions of engineers not connected with the regular staff; accordingly, Messrs. Keefer and Gzowski were called in, and though they recommended a different course of construction, they agreed with Mr. Fleming as to the sufficiency of the foundation to sustain the bridge. He was not aware that there was now any doubt on the subject.

On the further consideration of the vote for public buildings,

**Hon. Mr. MACKENZIE** referring to votes for custom houses, said he had previously suggested that the Government should have some defined plan about the construction of these buildings, and the places entitled to them should be designated in some way that would prevent the Government from asking votes open to the objection of being considered simply for political purposes. He then quoted the amount of revenue, Customs and Excise, collected at Three Rivers and Pictou, the places where the custom houses were to be erected, and the number of vessels entering at and clearing from each port, and maintained that there could be no excuse for the erection of buildings at those comparatively small ports. He then referred to the proposed custom house for Newcastle and Chatham, N. B. Those places, he believed, were some five miles apart, but, as latterly the expenditure of public money had taken the Newcastle direction, he supposed that the building would be placed there instead of the more important port of Chatham. He also quoted the revenue collected at those ports, and the number of vessels entered, maintaining that there was no necessity for buildings at these places either, and he believed the adoption of such a practice would

June 11, 1872

inevitably produce abuse. There was an established order in the Customs Department regulating the salaries in accordance with the revenue collected, and he advocated the adoption of a similar principle to regulate the erection of custom houses. He then showed the amount of work done at the ports of Guelph and Sarnia, neither of which places had custom houses. He had intended to propose an amendment which would embody the principle he advocated, but at the present stage it would be useless to do so, and he should therefore content himself with calling the attention of the House and the country to the practice introduced by the Government of erecting buildings where they were not necessary, and with no other object than the spending of a sum of public money in certain localities, either to gratify political adherents or to accomplish some political purpose. There were other items which he considered wrong, but those he had mentioned embraced the objectionable features of the matter. He considered the votes a wanton waste of money, and a gross injustice to other places where such edifices might be erected, with some regard to public expenditure and with some relation to the amount of revenue collected.

The resolution was then carried.

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#### COMMITTEE OF SUPPLY

It was then moved to receive the report of the Committee of Supply. In the course of receiving the report,

**Hon. Mr. MACKENZIE** referred to the item of \$10,000 for arbitrations and awards. He said that the arbitrators had only had twelve cases before them since Confederation, and not one since February, 1870, while the cost, up to the present time, had been \$14,987.24 for salaries and expenses of the Arbitrators, and a large amount in addition had been paid by the Government in the shape of professional fees to gentlemen appointed to act as counsel. It was quite clear that the Arbitrators were totally incompetent to discharge their duties, and that they were not professionally or technically capable of acting as Arbitrators, and the Government showed that they admitted this in entrusting the settlement of disputes to professional gentlemen outside the public service or in conjunction with the departments. Two cases had been settled by the Chief Engineer of the Public Works Department, and he quite approved of that course, and when it was inconvenient to entrust the whole question to an officer of departments, he believed some professional gentleman should be called in for the occasion. It might not be pleasant for the Government to announce such a decision to the arbiters, but the House ought to announce its belief in the unsoundness of the present practice. With a view of placing his views on record he moved, "that the resolution be not concurred in, but that it be provided that no portion of the money so voted shall be applied towards the payments of salaries to the Dominion Arbitrators, inasmuch as arbitrators on awards respecting contracts for public works require technical and professional knowledge, and

inasmuch as the Department of Public Works was obliged to commit the settlement of disputes to the arbitrament of an expert from the Department, thus absolving the arbitrators from the discharge of any duties for the past two years."

**Hon. Sir JOHN A. MACDONALD** believed the board was useful and did good service, and had done good service in protecting the revenue of the country, and at the same time doing substantial justice to contractors. In cases of dispute between the Government and individuals, there must be some mode of settlement, for there could not be a total denial of justice, and the Crown could not settle despotically what amount should be allowed and no more; and the member for Lambton would scarcely advocate such a practice as that. He believed this more particularly, because the member for Durham West pressed and forced upon the Government the insertion of the arbitration clauses of the Penitentiary Act. The experience of Canada and also of the United States had shown the necessity of such a tribunal as this, and that necessity could not be disputed. If such matters were sent to a jury it was quite sure that their sympathies would always be enlisted on the side of the individual, or it was always the case in suits in which any large corporations were concerned. Years ago, therefore, this tribunal was formed and it was perfectly successful, and the fact that there only had been few calls for their services was no argument against their usefulness. Of late there had been but few public works, and consequently few references to the arbitrators; but it was most undesirable, just as large public works of every kind were being commenced, and many disputes might arise to break up the board and leave contractors to the tender mercies of the Minister of Public Works, or send cases to be tried by a jury. Special arbitrators would be found exceedingly expensive, as was evident by the case of the construction of the Parliament buildings. The present arbitrators were only allowed a fixed salary of \$1,000 a year and their actual travelling expenses, and were liable to be sent to any part of the Dominion to examine witnesses on the spot. The gentlemen now on the board were men of strong common sense, understanding the value of evidence, good business men, and having all the elements of a jury and much more, and it would be extremely unfortunate, particularly at the present time, to break up the tribunal. It might possibly be prudent to have only one legal gentleman on the Board to arrange and organize the evidence, but not more than one.

**Hon. Mr. HOLTON:** And an engineer.

**Hon. Sir JOHN A. MACDONALD** did not think there need be an engineer, as the members ought to be sufficiently men of business to appreciate the evidence of engineers in the same way as Judges were able to appreciate the evidence of experts of all kinds. It would be impossible to get a body acquainted with every branch of public interest, but a body of the present kind, moderately paid with a fixed salary, and liable to be sent to every part of the country, men of integrity, and men of business,



was just the kind of tribunal wanted, and he would be very sorry to have the motion carried.

**Hon. Mr. CAMERON (Peel)** objected that the member for Lambton (Hon. Mr. Mackenzie) suggested no remedy for the evil he complained of.

**Hon. Mr. MACKENZIE** said he had shown that the government themselves passed over the arbitrators, and had for some time past entrusted all matters of arbitration to professional gentlemen. He showed that in three cases the arbitrators had reduced the amount of claims by \$203, while their own expenses amount to over \$11,000, and he believed that many appeals to arbitration arose very greatly from the desire of contractors to take advantage of the want of professional knowledge on the part of the arbitrators. In one case a claim was made for \$49,000, and, after long proceedings, the arbitrators awarded more than double the amount of the original estimate of the Government officers. He thought such cases should be submitted to professional men of known standing, or to the Chief Engineer of the Public Works Department. He of course believed the arbitrators to be personally above suspicion, but he objected to the entire system as at present carried out.

**Hon. Mr. CAMERON (Peel)** referring to the case mentioned by Hon. Mr. Mackenzie, believed that the award was not really so large as in justice to the contractors it should have been. There could be no question of the necessity of the tribunal in question, and if the present gentlemen were not efficient, new ones could be appointed. He, however, maintained that they were in every way eminently fitted for their positions; but, in any case, until the law was changed, it should not be endeavoured, by a side wind, to place the Board on a different footing from that provided by the Statute law.

**Hon. Mr. HOLTON** said the gentlemen opposite had entirely misconstrued the remarks of the member for Lambton (Hon. Mr. Mackenzie) for he did not say there should be no arbitration, but that the present system possessed the confidence neither of the country nor of the Government. He advocated a board composed, not of farmers and artizans, but entirely of professional men.

**Hon. Mr. CAMERON (Peel)** replied, maintaining that the arbitrators were appointed by law, and that the proposition was not a proper way of disposing of the matter.

**Mr. JONES (Leeds North and Grenville North)** could not agree with the suggestion that the Board should be composed of lawyers as they were quite as liable to differ as farmers and artizans, who were quite as capable of coming to a proper decision in matters submitted to them as were lawyers.

**Hon. Mr. MACKENZIE's** motion was declared lost on a division and the item was concurred in.

**Mr. CUMBERLAND** desired, before passing away from the Public Works item, to express his regret that the government had

not included some vote for the construction of the Sault Ste. Marie Canal, especially considering the great liberality which had been shown with respect to other canals. It was most desirable that the canal should be constructed, and he need only refer to the report of the Canal Commissioners to show the economy and feasibility of the undertaking. Having regard to the rapid increase of the trade of Lake Superior, he hoped the Government would keep a watchful eye on the work, and would very shortly take it in hand.

**Hon. Mr. LANGEVIN** said that last year the Government obtained a vote for a complete survey of the canal; but it was impossible to undertake all the works at once, and the Government therefore decided to take up the most pressing works first, such as the Welland and St. Lawrence canals; but the Sault Ste. Marie Canal would not be lost sight of.

**Hon. Mr. MACKENZIE** agreed as to the necessity of the work on commercial grounds, and in addition he would not suffer such a humiliation as Canada had to undergo last year for twice the amount necessary to construct the work.

On the item of mail subsidies,

**Mr. BOLTON** proposed a resolution making it incumbent on owners of all vessels running between ports in the Dominion, and receiving subsidies, to furnish detailed statements of all voyages of such vessels.

On the suggestion of **Hon. Sir JOHN A. MACDONALD** the resolution was allowed to stand over as a separate motion.

On the militia estimates,

**Mr. FOURNIER** moved that the House do not concur, but that it be resolved that nothing in the present circumstances of the Dominion justifies the expenditure of so large a sum as \$1,549,400 in the maintenance of a militia force, and that the House resolve itself into Committee of the Whole to take into consideration the propriety of largely reducing the amount.

The members were called in and the motion rejected: —Yeas, 27; Nays, 75.

(Division No. 48)

#### YEAS

##### Members

Béchar	Blake
Bourassa	Cheval
Coupal	Crawford (Brockville)
Delorme (Saint-Hyacinthe)	Forbes
Fortier	Fournier
Geoffrion	Godin
Holton	Kempt
Killam	Macdonald (Glengarry)
Mackenzie	Metcalfe
Mills	Pâquet
Pozzer	Ross (Wellington Centre)

June 11, 1872

Rymal  
Stirton  
Young-27Snider  
Whitehead

## NAYS

## Members

Ault	Bellerose
Benoit	Blanchet
Bolton	Bowell
Cameron (Peel)	Campbell
Carling	Carter
Cartier (Sir George-É.)	Cayley
Chauveau	Cimon
Coffin	Colby
Cumberland	Currier
De Cosmos	Drew
Ferguson	Fortin
Gaucher	Gaudet
Gendron	Grant
Gray	Grover
Heath	Hincks (Sir Francis)
Jones (Leeds North and Grenville North)	Keeler
Lacerte	Langevin
Lapum	Lawson
Little	Macdonald (Sir John A.)
McDonald (Lunenburg)	Magill
Masson (Soulanges)	Masson (Terrebonne)
McCallum	McConkey
McDougall (Lanark North)	McDougall (Renfrew South)
McDougall (Trois-Rivières)	Merritt
Morris	Morrison (Niagara)
Nathan	O'Connor
Pope	Ray
Redford	Ross (Champlain)
Ross (Prince Edward)	Ross (Victoria, N. S.)
Ryan (King's, N. B.)	Ryan (Montreal West)
Scatcherd	Schultz
Scriven	Shanly
Smith (Selkirk)	Street
Thompson (Haldimand)	Tilley
Tourangeau	Tupper
Walsh	White (Halton)
White (Hastings East)	Willson
Wright (Ottawa County)—75	

Concurrence was taken on various items, and it being six o'clock the House rose.

## AFTER RECESS

## EXPLANATION

**Hon. Mr. CHAUVEAU** wished to call the attention of the House to a statement which had been made by the member for Lambton (Hon. Mr. Mackenzie) and circulated through most of the newspapers. He was not in his seat when the statement was made, or he would then have taken the opportunity of putting himself and the Government right on that very important matter. The statement was that the resolution which he moved on the New Brunswick School Bill had been placed in his hands by the Government. He wished to deny that assertion. The resolution was initiated and prepared by several other members and himself, and not by the Government.

## THE RECENT ABDUCTION AT LONDON

**Hon. Mr. BLAKE** asked the Government to convey to the House any information in their possession in reference to the statement contained in the press, to the effect that a person has been seized in open day in the City of London, Ontario, and carried to the American side; and whether communication had been had with the United States or Imperial Government in the matter.

**Hon. Sir JOHN A. MACDONALD** replied that a few days ago the Government was informed by telegraph of the arrest of the party in the manner mentioned in the newspapers, and instructions were at once given to send down the depositions, and a statement of facts and evidence. Those papers were received yesterday, and upon them a report had been prepared and submitted to Her Majesty's Minister at Washington, in order that representations in the matter might be made to the United States Government, and a similar report had been prepared for the Imperial Government.

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## MESSRS. BLAKE AND WOOD

**Mr. FERGUSON** rose to make a personal explanation. He said that in the course of the debate he had stated, among other things, that a note had been passed across the floor of the House at Toronto from the member for Durham West (Hon. Mr. Blake) to the member for South Brant (Hon. Mr. Wood) and that the hon. member for South Brant had contradicted that statement.

**Hon. Mr. MACKENZIE** rose to a point of order on the ground that they had no right to discuss an action which had taken place in the local legislature. The hon. gentleman should have brought the matter up when the member for Brant (Hon. Mr. Wood) was in his seat.

**Mr. FERGUSON** said the member for Brant (Hon. Mr. Wood) knew that he (Mr. Ferguson) intended to bring the matter up, as he had informed that gentleman of his intention to do so. He desired now simply to say that he held the note in his hand, and it was as follows: "You had better speak now—Edward Blake". He had been charged with having made an untruthful statement, but it had been his desire, and he had always endeavoured to speak the truth in any statement he had made on the floor of the House. He would hand the note to the hon. member for Durham West (Hon. Mr. Blake) and if that gentleman would say that it was not in his handwriting he (Mr. Ferguson) would very willingly withdraw it.

**Hon. Mr. BLAKE** said that in the absence of the hon. member for South Brant (Hon. Mr. Wood) not on his own account, the hon. gentleman having delayed to make the statement he had just offered until the hon. member for Brant was absent, he (Hon. Mr. Blake) would perhaps be allowed to say a word or two which would be unnecessary if the hon. member for Brant were here. The hon. gentleman (Mr. Ferguson) was not correct in saying that, when he was interrupted he was making observations in course of debate in the ordinary sense. Somebody else was speaking upon a question



before the House when the member for Cardwell (Mr. Ferguson) after a fashion which was peculiar to him, carried on a running commentary on the debate in a very loud and disorderly tone, and in the course of that running commentary a controversy had arisen between the hon. member for South Brant, which considerably disturbed the propriety of debate, without, however, the Speaker calling the hon. gentleman to order. There was certainly some conversation between the two hon. members; but it could not be said that the hon. gentleman's remarks were observations made in the course of debate. He (Hon. Mr. Blake) did not know what the hon. member for Cardwell (Mr. Ferguson) had said, nor had he knowledge of the language used by the hon. member for Brant (Hon. Mr. Wood) with reference to the piece of paper which the hon. gentleman had produced.

**Mr. FERGUSON:** Here it is if you want to see it (handing it towards Hon. Mr. Blake).

**Hon. Mr. BLAKE** said he did not want to see it, inasmuch as he was quite aware of the general imputations that were made in regard to it. (*Laughter.*) He perfectly well recollected having written that paper. He understood that, after it had passed into the possession of the hon. member for Brant (Hon. Mr. Wood) it had been torn in two, and that the pieces having been pasted together, it appeared in the rehabilitated shape in which it was now presented before the world. He (Hon. Mr. Blake) supposed that the hon. member for Brant, after receiving and reading it, had torn it, thrown it upon the floor, and that subsequently the hon. member for Cardwell (Mr. Ferguson) or some other person had picked it up, joined the fragments together, and kept it until the opportunity presented itself for using it in this House. He (Hon. Mr. Blake) had some papers on the floor around him, which he had torn up to-day, and he trusted that the Speaker would issue instructions that they should be carefully removed and destroyed, so that the hon. member for Cardwell (Mr. Ferguson) would not have access to them in order to make use of them to the prejudice of others. That was all he (Hon. Mr. Blake) had to say in reference to that. Now, with regard to the debate, in respect to which a controversy had arisen between the hon. member for Cardwell, and the hon. member for Brant, that debate had been upon a motion of the hon. member for West Middlesex in that House, and for Lambton in this. That debate had been going on Friday and during the course of the debate the hon. member for South Brant had resigned. The debate terminated late on Friday by the carrying of an address in the sense of a vote of want of confidence. On Monday following the Government had come down with an answer to the address which answer was deemed unsatisfactory to himself (Hon. Mr. Blake) and his friends, and they proposed on the Monday following—the hon. member for South Brant having resigned on Friday—another address to His Excellency representing the unsatisfactory character of the preceding address. In the course of the debate which followed, he (Hon. Mr. Blake) had met the hon. member for South Brant in the lobby. The hon. member had told him that certain imputations had been cast upon him in the interval between the Friday and Monday for having resigned his office in the Government, and that he intended to speak in the course of the debate in reply to those imputations. The hon. member had asked him (Hon. Mr. Blake) how long it was probable the debate would last, and he had told him that it would be late that evening

before a division would be taken, and that it was even doubtful whether it would not continue till the following day. Later in the evening he (Hon. Mr. Blake) had observed signs that the debate was lagging, and that there was a probability of its coming to a close, and having erroneously informed the hon. member for South Brant that it would continue till late at night, and probably till next day, he (Hon. Mr. Blake) had committed the heinous crime of sending a line across the House to the hon. member for South Brant (Hon. Mr. Wood) to correct the error, and give him an intimation that now was the time to speak if he intended to speak at all in reply to the imputation to which he had previously referred. Shortly afterwards the hon. member for South Brant had told him that he had met Mr. Sandfield Macdonald in the lobby and that the latter had asked him not to take any notice of the imputations, and that at his instance he (Hon. Mr. Wood) had determined not to speak. That was the history of this piece of paper. (*Hear, hear.*)

**Mr. BOWELL** said he knew nothing of the piece of paper, and had no desire to interfere in the discussion in regard to it; but in justice to hon. member for Cardwell (Mr. Ferguson) he felt bound to say that the hon. member for Durham West (Hon. Mr. Blake) was not strictly correct with regard to what had occurred in this House between the hon. member for Cardwell and the hon. member for South Brant. The hon. member for Durham West had stated that the hon. member for Cardwell had made a running commentary on the remarks of some other hon. member who was speaking. Now the fact was that the interruption of the hon. member for South Brant had taken place while the hon. member for Cardwell was addressing the House.

**Hon. Mr. HOLTON** called attention to the fact that there was no question before the House and that, therefore, the discussion was out of order.

**Hon. Sir JOHN A. MACDONALD** said the gentleman was quite in order, and there was a question of fact before the House, and it was certainly strange if the House would refuse to do justice to an hon. member, whose statement had been impugned without sufficient cause.

**Mr. BOWELL** desired to state distinctly that the interruption had taken place while the hon. member for Cardwell was speaking. The hon. member for Durham West had also accused the hon. member for Cardwell with having chosen a time to bring this matter up when the honourable member for South Brant was absent. Now he (Mr. Bowell) knew that the hon. member for Cardwell had, on two different occasions, given notice to the hon. member for South Brant that he intended to refer to this matter in the House, and yet the hon. member for South Brant had not chosen to attend to give him an opportunity.

**Hon. Mr. ANGLIN** could not see what this House had to do with a matter that had occurred in another House at Toronto.

**The SPEAKER** stated that he had allowed the hon. member for Cardwell to make a personal explanation, but that debates upon an explanation were not in order.

The subject then dropped.

June 11, 1872

## SUPPLY

In receiving the report of the Committee of Supply on the item for salaries of Harbour Masters of Quebec, Gaspé and Amherst,

**Hon. Mr. MACKENZIE** said he saw no reason why these officers should not be placed in the same position as at other ports, where they were paid by fees. He would therefore move, seconded by **Hon. Mr. HOLTON**,—"That this House is of opinion that the payment of salaries of the Harbour Masters of Quebec, Amherst, and Gaspé should be made from local sources, not from the funds of the Dominion."

**Hon. Mr. TUPPER** said the hon. member for Lambton had stated that these Trinity Boards had no duties to perform. The hon. gentleman was mistaken. In the large ports of Quebec and Montreal their duties were of a very important nature.

**Hon. Mr. MACKENZIE** said his present motion did not deal with the Trinity Board. It referred only to Harbour Masters.

**Hon. Mr. TUPPER** said that the Harbour Master was a member of that Board at Quebec, if not at Montreal, and the motion would therefore affect that Board. The attention of the Government had been called a few days ago to a serious state of things existing in the Port of Quebec, from which it was seen that the office of a member of that Board was no sinecure. The Board had the management of the commerce and trade of the ports and control of sailors, &c. The trade was, of course, very large at these ports, nearly the whole of the commerce of Ontario going through them. The constitution of these Boards had engaged the attention of the Government, and the expenses at Quebec had been reduced by about fifty per cent. He considered the ports of Montreal and Quebec and the Trinity Boards at those places were not analogous to any other in the Dominion, as the great bulk of the commerce of Canada proper has to come through those ports. Every one knew that the charges connected with shipping at Montreal were very onerous, and much felt by the shipping interest. The effect of the resolution would be to levy an additional tax on everything that came to those ports.

**Mr. WORKMAN** said that the salary of the harbour master, \$1,600, would only amount to a tax of 10 cents on each ship.

**Hon. Sir JOHN A. MACDONALD** contended that it was necessary that the harbour master should be a Government officer. The water police there were under that officer's management, and the Government had recently been attacked for not increasing that force.

**Hon. Mr. ANGLIN** saw no reason why an exception should be made at Quebec. At Halifax and St. John, the harbour master was paid by fees, and the shipping trade at those ports was just as important as at any other.

**Mr. SCATCHERD** contended that the police force at Quebec should be supported by the local authorities, as their duties were purely of a local nature.

The amendment was put and lost on the following division:  
Yeas, 42; Nays, 66.

(Division No. 49)

## YEAS

## Members

Anglin	Béchar
Blake	Bolton
Bourassa	Bowman
Cameron (Huron South)	Cartwright
Cheval	Coffin
Connell	Coupal
Fortier	Godin
Holton	Kempt
Little	Mackenzie
Magill	McConkey
McDougall (Renfrew South)	Metcalfe
Mills	Morison (Victoria North)
Munroe	Oliver
Pâquet	Redford
Ross (Prince Edward)	Ross (Victoria, N. S.)
Ross (Wellington Centre)	Rymal
Scatcherd	Snider
Stirton	Thompson (Haldimand)
Thompson (Ontario North)	Wells
White (Hastings East)	Whitehead
Workman	Young—42

## NAYS

## Members

Abott	Archambault
Baker	Barthe
Bellerose	Benoit
Bowell	Bown
Brousseau	Cameron (Peel)
Campbell	Carling
Caron	Carter
Cartier (Sir George E.)	Colby
Crawford (Brockville)	Cumberland
Daoust	De Cosmos
Dobbie	Dugas
Ferguson	Gaucher
Gaudet	Gendron
Harrison	Hincks (Sir Francis)
Keeler	Killam
Lacerte	Langevin
Langlois	Lapum
Lawson	Macdonald (Sir John A.)
McDonald (Lunenburg)	McDonald (Middlesex West)
Masson (Soulanges)	Masson (Terrebonne)
McCallum	McDougall (Lanark North)
Merritt	Morris
Morison (Niagara)	Nathan
O'Connor	Perry
Pope	Pouliot
Pozer	Robitaille
Ross (Champlain)	Ryan (King's, N. B.)
Ryan (Montreal West)	Schultz
Shanly	Stephenson
Street	Thompson (Cariboo)
Tilley	Tourangeau
Tupper	Walsh
Webb	Wright (Ottawa County)—66



On the item of \$4,000 for salaries, &c., of Indian Commissioners for the Northwest,

**Hon. Mr. MACKENZIE** asked for the details of this, the Finance Minister having promised to furnish them.

**Hon. Sir FRANCIS HINCKS** did not remember having made such a promise. The amount was so small that he really did not think it necessary to furnish details.

**Hon. Mr. MACKENZIE** thought it very strange if they could not know for instance the salary of the Commissioner.

**Hon. Sir FRANCIS HINCKS:** The salary is \$2,000.

The item was concurred in.

On the item of \$20,000 for expenses connected with Indians in British Columbia,

**Hon. Mr. MACKENZIE** asked what was to be done with this money. He did not see why the Indians required protection.

**Hon. Sir JOHN A. MACDONALD** owing to the absence of the Minister charged with this matter, said an explanation could not be given just now. He believed it was to carry out an arrangement entered into with the Indians by the Local Government of British Columbia.

The item was concurred in.

On the item of \$50,000 for cost connected with surveys of the boundary line between Canada and the United States in the North West,

**Hon. Mr. MACKENZIE** asked what was the position of this matter.

**Hon. Sir JOHN A. MACDONALD** said that arrangements had been made with the Government of the United States more than a year ago, but the matter had been delayed from some mistake in voting the amount in Congress. The matter had since however, been rectified, and correspondence was going on as to the formation of the Commission.

**Hon. Mr. MACKENZIE** had seen it stated that the American Government were assuming their view of the boundary, and directing their surveys accordingly.

**Hon. Sir JOHN A. MACDONALD** said the line had been taken merely as a matter of convenience. It would be subject to the report of the Commission.

On the item for contingencies, &c., Welland Canal,

**Hon. Mr. MACKENZIE** quoted from a newspaper to the effect that the contract for the supply of timber on the canal had been given to one John Macdonald, of Thorold, whose tender was much higher than those of others. He asked if there was any truth in this statement.

**Hon. Mr. LANGEVIN** said the hon. gentleman should have given him notice of his question, as from the numerous works connected with his department, he could not remember every item. He would say, however, that the whole transaction would be found to be perfectly clear, and that the first tender had been accepted. He would give further information to-morrow.

**Mr. STREET** said the paper quoted by the member for Lambton (Hon. Mr. Mackenzie) had accused him (Mr. Street) of using his influence in connection with this contract, and he would take this occasion to deny publicly that there was any truth in the accusation.

The item was concurred in.

On the item of \$17,000, balance on Nova Scotia buildings,

**Hon. Mr. MACKENZIE** asked whether this was intended to cover interest upon the sum, and whether it was the intention to allow to Nova Scotia the sum withheld on account of interest due on those buildings.

**Hon. Sir FRANCIS HINCKS** said the amount proposed was exactly the award of the arbitrators. The arbitrators had not awarded that the amount that had been withheld should be repaid, and the Government did not intend to repay it.

The item was passed:

On the item of \$20,000 additional for working expenses on the European and North American Railway, in reply to Hon. Mr. Anglin,

**Hon. Mr. LANGEVIN** said that this was on account of the very severe winter.

The item was concurred in.

On the item for archives, in reply to Hon. Mr. Mackenzie,

**Hon. Mr. POPE** explained that this had been put in at the suggestion of the Committee, which had met here last year. It was for the purpose of providing for the protection of old historical documents, which it was important should be preserved.

The item was concurred in.

On the item of \$10,000 improvements to Kingston harbour,

**Hon. Mr. ANGLIN** asked if an estimate had been made, and how the money was proposed to be expended.

**Hon. Mr. MACKENZIE** asked if the local authorities were to expend an equal sum as was the case at Collingwood.

**Hon. Mr. LANGEVIN** explained that at Collingwood the Northern Railway Company expended an equal sum to that expended by the Government, but Kingston harbour was regarded as a part of the canal system, in consequence of vessels passing through the canals being transhipped at that port.

June 11, 1872

On the item of \$20,000, towards the enlargement of Carillon and Chute à Blondeau canals, with dam and slides for the passage of lumber,

**Hon. Mr. MACKENZIE** asked for some explanation of this item, in reply to which

**Mr. CURRIER** reviewed the Ottawa canal system and the object of the proposed expenditure.

**Hon. Mr. MACKENZIE** said it would appear that the Government were in the habit of imparting information to some members which they withheld from others, and asked if they were to accept the statement of the hon. gentleman as correct.

**Hon. Mr. LANGEVIN** replied that the member for Ottawa had been one of a deputation which waited on the Government in reference to the improvement of the navigation of the Ottawa River, and he had no doubt his hon. friend had correctly stated the circumstances, but he had not been able to hear his remarks. He would state, however, that the proposed work had been recommended by the Engineer of the Department of Public Works some years previously, and it had been urged that that work had been carried out instead of enlarging the Chute à Blondeau and Carillon Canals. If a dam and lock were built, the Carillon and Chute à Blondeau rapids would be flooded, and the present Carillon and Chute à Blondeau canals would not be used; but the locks in the new works on the Ontario side would be used by the steamboats and other craft on the Ottawa and the slide at that place would be used for the cribs which would benefit and be more satisfactory to both the navigation and lumber interests, at the same time reducing the present expenditure, and doing away with a large annual cost to keep the canals in repair.

**Mr. WRIGHT (Ottawa County)** had been one of a deputation to the Government, and considered that the work was regarded as a link in the great chain of Ottawa navigation, which had been favoured by both sides of the House, and he thought the item should be allowed to pass without further discussion.

**Hon. Mr. MACKENZIE** asked if the Government had decided upon a policy as to the depth of canal navigation.

**Hon. Mr. LANGEVIN** replied that they had adopted the recommendation of the Canal Commissioners in regard to the canals of the Ottawa, viz., to have the locks 200 feet by 45 feet. Beyond that the Government had decided nothing. Some persons had made the remark that a depth of nine feet was too great; but the Government had decided that at all events between Ottawa and Montreal, that should be the depth of the locks.

**Mr. SHANLY** said the construction of a lock built for Grenville this year would, of course, guide the navigation of the Ottawa, and he entirely differed from the Canal Commissioners in the nine foot navigation. It would lose but little more to make it one foot deeper, and, judging from the low water of past years, he thought the Government should take warning and make all locks ten feet on the

sills, no matter what the depth of the canals might be. He considered the vote asked a very small one in view of the large works undertaken, and he would like to see a sum voted annually for the next few years, until navigation from Ottawa to Montreal was completed. The vote asked would carry out the greatest possible improvement. The work contemplated would have about twenty-six feet of locking, as compared with the present system, and although he had previously opposed the construction of dams to improve navigation, he believed that in this case the dam could be built with the greatest success. He would again urge that, at the Grenville Canal locks were to be nine feet, the sills of all other locks to be constructed should be absolutely ten feet below the level of the Ottawa.

On the item of \$5,000 for damages arising out of the construction of the dam at the head of Beauharnois Canal,

**Hon. Mr. MACKENZIE** said it seemed as if these damages would never cease, and asked what the damages were. It would be better to buy the land altogether.

**Hon. Mr. LANGEVIN** said the damages had to be paid for, but in the proposed enlargements of canals, care would be taken that in future the deeds taken should cover all damages.

**Hon. Mr. MACKENZIE** repeated his enquiry what the damages were, and whether they had not been paid for already?

**Hon. Mr. LANGEVIN** said they had not.

**Mr. MASSON (Soulanges)** maintained the just nature of the claims for damages.

**Mr. CAYLEY** spoke in French.

The item was concurred in.

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## CANAL CONSTRUCTION

On item of \$3,490,000 for construction of canals,

**Mr. McCONKEY** said he regretted that no assistance had been proposed for the construction of the Georgian Bay Canal. They did not want any money; a company was prepared to build it if they only got a grant of lands. He thought the time had come when something should be done with reference to this important subject.

**Hon. Sir FRANCIS HINCKS** objected that he was out of order.

**Mr. McCONKEY** in order to obtain an opportunity of speaking on the subject, moved an amendment. He then went into the steps that had been taken in the matter, and repeated his regret that the Government had taken no notice of such a great national undertaking. He moved that the item be referred back to Committee of the Whole, to consider the propriety of subsidizing, by grants of lands or otherwise, the projected Georgian Bay Canal; a work in the



opinion of this House, of great national importance to this Dominion, and calculated to develop its vast resources."

**Hon. Sir JOHN A. MACDONALD** said the hon. member had no doubt attained his object, and it would no doubt be the painful duty of the Speaker to rule the amendment out of order.

The motion was ruled out of order.

**Mr. FERGUSON** said when the vote was first asked he was glad to find the prosperity of the country so great as had been shown by the remarks of the Minister of Public Works. He congratulated the Minister of Finance on the position of the country, and was very glad to find that promises made at Confederation were about to be completed. The Intercolonial was far advanced at a less expenditure than had been mentioned; the Inter-Oceanic Railway was to be undertaken, and now the most important matter of all, the enlargement of the canals, was to be commenced. The present canal system had occasioned an outlay of some twenty million dollars, and the returns had been very large, and consequently any future expenditure should be undertaken with care. He referred to Baie Verte canal as likely to cause a very large expenditure, and suggested whether the local Government of New Brunswick should not be called upon to contribute to the expenses by land grants. As to the Pacific railway he believed it could be constructed for the grant made; but thought that in this, as in other public works, it would be better to make larger land grants and not grant so much money. He regretted the opposition evidenced in the House to the Georgian Bay Canal. Some years ago that project was recommended by a Committee of the House, obtained by the member for Simcoe; and again in 1869, by a Committee obtained by the member for West Toronto, and the names of the members of that committee, which he read out, would show that the matter ought not to be dealt with slightly. The report stated that the difference effected by the canal between the Upper Lakes and Liverpool would be 800 miles, and pointed out many advantages to be gained by the construction of the canal. He quoted from the report at length to show that the President of the Council had strongly supported the scheme, and he (Mr. Ferguson) advocated the project in a forcible and elaborate speech.

**Mr. LITTLE** followed, saying that people of his country were united on the matter, and trusted the Government would give it their favourable consideration.

Concurrence was then taken in the report of the Committee of Supply.

**Hon. Sir FRANCIS HINCKS** moved the House to go into Committee of Ways and Means, and the resolution granting supplies to Her Majesty was adopted and concurred in, and the bill was then introduced and read a first time.

## THE CANADIAN PACIFIC RAILWAY

The Pacific bill was received from the Senate with amendments, which were passed.

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## TONNAGE DUES ON THE ST. LAWRENCE

**Hon. Sir FRANCIS HINCKS** moved the second reading of the Act to raise tonnage dues and wharfage rates for improvements in the navigation of the river St. Lawrence, between Montreal and Quebec.—Carried.

The bill passed the Committee, was read a third time, and passed.

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## JUDGES' SALARIES

**Mr. BODWELL** moved the second reading of the bill respecting Judges' salaries.—Carried. The bill was passed through committee, read a third time and passed.

**Hon. Sir JOHN A. MACDONALD** moved the second reading of the act to amend the act relating to Judges' travelling allowances to the whole Dominion.—Carried. The bill was passed through committee, read a third time and passed.

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## COPYRIGHT

**Hon. Sir FRANCIS HINCKS** moved the House into committee on the act to amend the act respecting copyright.

The bill was reported with amendments, and read a first and second time.

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## RAILWAY MAP

**Hon. Sir GEORGE-É. CARTIER** moved the adoption of the report of the railway committee, recommending an appropriation to complete a map for the Railway Committee Room, and that the same be paid out of the contingencies of the House.—Carried.

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## TRADES' UNIONS

**Hon. Sir JOHN A. MACDONALD** moved the second reading of the Act respecting Trades' Unions.

June 11, 1872

**Mr. MASSON (Terrebonne)** regretted that this important bill should have been delayed till this late hour of the session. He hoped the House would unite in appealing to the Government to withdraw it.

**Hon. Sir JOHN A. MACDONALD** said there was nothing in the bill which could do injustice to either employers or employees. Its object was to repeal a harsh Act, under which mechanics could be indicted for every association they might form. The amendment had been adopted in the British Parliament without a dissenting voice, because it was felt that the old law was too oppressive to be endorsed by free men. Recent events in Toronto had shown the necessity of adopting some amendment here.

**Hon. Mr. MACKENZIE** said he saw no reason for the objections urged by the member for Terrebonne (Mr. Masson). He (Hon. Mr. Mackenzie) had only one objection to it, that it placed restrictions on workingmen, requiring them to register their Unions. He could not see the necessity for that clause.

After further discussion the motion for the second reading was carried on a division. The bill was passed through Committee of the Whole. On motion for third reading,

**Hon. Mr. MACKENZIE** suggested that the clause relating to the representation of Trades' Unions was beyond the jurisdiction of this House. It was a matter for the Local Legislatures and not for this Parliament to deal with.

**Mr. MASSON (Terrebonne)** renewed his request that the bill be withdrawn for this session.

**Hon. Sir JOHN A. MACDONALD** said it could not be done without injury to the Dominion, for if workingmen should learn that the old law remained unchanged, they would not come to settle in Canada.

After further discussion the bill was read a third time and passed.

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#### THE CRIMINAL LAW

The Act to amend the Criminal Law relating to violence, threats and molestation, was read a second and third time and passed.

The House adjourned at 12:45 a.m.





June 12, 1872

## HOUSE OF COMMONS

Wednesday, June 12, 1872

The **SPEAKER** took the Chair at three o'clock.

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*Prayers*

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After Routine,

## SPEAKERS' DECISIONS

**Hon. Mr. BLANCHET** moved that the Speaker and the Committee for the internal economy of the House be authorized to print the precedents and decisions of the Speakers from the Union of the two Canadas in 1841 to date. He hoped no objection would be made, as it was important that these should be published.

**Hon. Mr. MACKENZIE** thought this should have been referred to the Library Committee, and on their report the matter should then have come up.

The motion was carried.

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## MISCELLANEOUS

**Mr. BARTHE** moved for a return of the claims of Messrs. P. H. & A. Lemoine for certain lands in Sorel.—Carried.

**Mr. WHITE (Hastings East)** moved resolutions on the subject of lands lying within the Indian reserves in the township of Tyendinaga, in Hastings. It proposed to sell a certain portion of these lands, by which the Indians would be largely benefited.

**Hon. Sir JOHN A. MACDONALD** did not see how the resolution could pass. The land was the property of the Indians and could not be sold without their sanction. Surely the territory of the Dominion was large enough to spare part to the tribes. He was not surprised that the lands were occasionally coveted, but the Indians should be treated as favoured children. If the lands must be valued, that would be done by the Indian Department and he had no doubt they kept trace of that.

**Hon. Mr. MACKENZIE** said there might be reasons for feeling dissatisfied at the presence of large bodies of Indians near towns. Wherever these were, however, they must be treated fairly and their rights respected.

**Hon. Mr. HOLTON** agreed with the Minister of Justice (Hon. Sir John A. Macdonald) but the question arose if the Indians should not be emancipated and their lands divided among heads of families so as to come under the national law of property. In some cases this, he knew, might be done without inconvenience, but properly each case should come up by itself.

**Hon. Mr. CAMPBELL** called attention to the official name of the Indians translated into French *sauvages*, which was offensive to them.

**Mr. BOWELL** explained the object of the resolution to be to enable a portion of the land had on lease by whites to be sold, and the proceeds devoted to their benefit. There were eight hundred acres in this position out of eighteen thousand, and the land was constantly deteriorating in value.

After further discussion the resolutions were withdrawn. **Hon. Sir JOHN A. MACDONALD** promising that the attention of the Indian Department would be called to the subject.

**Hon. Mr. McDOUGALL (Lanark North)** said, at the beginning of this parliament, owing to a fit of economy, 12.5 per cent was deducted from the salaries of all officers of the House. He believed that the House had gone too far in that direction, as the salaries were not excessive. In the Civil Service Act progressive salaries were authorized, but the officers of this House did not come within that Act, and had no chance of a rise. He thought that if injustice had been done, it should be rectified.

He moved, seconded by the **Hon. Mr. HOLTON**, and the Question being put, "That whereas this House, during the first Session of the present Parliament, in order to economize its expenditure, reduced the salaries of certain of its Officers and Clerks by an amount equal to 12.5 per cent, per annum, and no increase has since been made to the said salaries, or to the emoluments of the said Officers, excepting in a few cases:

*Resolved*, That in the opinion of this House such of the officers and servants of this House, as the Commissioners may consider entitled, from length of service or capacity, should have reasonable addition to their salaries, as will compensate them fairly for their work for the current year, and until their cases may be considered by this House."

The House had recognized the injustice that had been done, and one or two motions had been made to remedy it in exceptional cases. There was an officer who occupied a seat at the table in this House who had been forty years in the public service and who actually received less salary than he had fourteen



years ago. He did not believe that the members of this House could plume themselves on having cut off 12.5 per cent from the salaries of officers. The people at large rather desired a reduction of useless officers, if there were such, than the paring down of the salaries of efficient men.

**Hon. Mr. CAMERON (Peel)** had no doubt whatever that if a large number of the officers engaged in the work of the House were removed, it would be difficult to replace them, and if in any other position they would be paid larger salaries than here. The whole of the expenditure saved by the reduction of 12.5 per cent was only \$7,000 a year. He also referred to the anomaly of messengers of this House who received \$2 per day or about \$120, whilst messengers of the Senate received \$200, although their duties were not nearly so onerous.

**Hon. Mr. CHAUVEAU** quite agreed in the motion of the hon. member for Lanark North (Hon. Mr. McDougall). He had disapproved of the reduction of salaries when it was made, and would rejoice at this change for the better. The hon. member for Lanark had spoken of the claims of an officer who was at the table. He (Hon. Mr. Chauveau) also saw at the table an officer who had for many years sat at the clerk's table, and who for many years had performed the difficult task of French translator.

**Mr. McDONALD (Lunenburg)** thought that the pay of the sessional clerks should be increased. The pay now, he thought, was quite insufficient to compensate these officers for their services. An officer thus employed could not engage in any other pursuit. He urged that a bonus should be given which should represent the amount which had been taken from them during the past few years.

**Hon. Sir JOHN A. MACDONALD** reminded the House that the question of salaries had been referred to a Committee of the House in the first Session of this Parliament. The Committee had reported in favour of a reduction of 12.5 per cent, and the House had adopted their report. It would not look well in the country on the last day of the last Session to make their last vote reverse an Act of the same Parliament. It would be remembered that this report recommending a reduction of 12.5 per cent was carried at the instance of the Government to prevent a still greater reduction being made.

He did not think that they should at the present time, with their power leaving their hands, pass a motion which would, in fact, involve the reversal of the policy adopted by the Committee and the House, as it proposed the payment to the officers of the amount which had been taken from them, and would involve a very large sum of money. He would have been well contented had this reduction not been made; but as the matter was, he did not think it would look well if such an increase were made as now proposed.

If the hon. gentleman thought fit, he might refer the matter to the internal economy committee to consider during recess. That many of the officers were worthy of all consideration, he knew; and the attention of the committee might be called to their case, and they might be requested to deal with their salaries for the present year. It

might be understood that the internal economy commissioners could increase the salaries to the extent of 12.5 per cent for the next year, save in some exceptional cases when it might not be deserved, and leave to a new Parliament to adjust the whole system.

He quite agreed with the hon. gentleman who had just spoken. He had seconded the motion, as he approved of the spirit of it, but he did not quite catch the sense of it as carrying them back over the five years. He did not think that would be proper. He thought it inconsistent with parliamentary practice to pass an act having a retroactive effect; and they must, he thought, confine themselves to the present and future.

**Hon. Mr. McDOUGALL (Lanark North)** said that the leader of the Government having indicated another mode of dealing with this matter, he would consent to it. His motion he thought had not gone so far as was stated. It merely asked to apply the provisions of the Civil Service Act to these salaries as regarded increase, and to put the officers of the House on the same footing as those in the Departments.

**Hon. Mr. MACKENZIE** said that at the time that the report referred to was adopted he had thought that it was unjust to make an indiscriminate reduction of salaries, and he thought that it would be equally wrong now to make an indiscriminate increase. He thought that there were many officers who deserved increases, indeed he had spoken to several of the officials who would have got better salaries had they gone into other services. They, however, disliked to leave as they preferred the service and hoped that before long justice might be done them.

He would suggest the following motion: "That in the opinion of this House it is expedient that such of the officers and clerks of the House as the Committee of Internal Economy may consider to deserve it, should have such an addition to their salaries as would compensate them for their service for the current year."

**Hon. Sir JOHN A. MACDONALD** had no objection to the motion, which having been amended in two unimportant particulars, was put to the vote and carried: —Yeas, 53; Nays, 21.

(Division No. 50)

## YEAS

### Members

Barthe	Blanchet
Bolton	Brousseau
Cameron (Peel)	Campbell
Carling	Carter
Cartier (Sir George-É.)	Cartwright
Cayley	Chauveau
Currier	Daoust
De Cosmos	Delorme (Saint-Hyacinthe)
Fortin	Grant
Gray	Harrison
Heath	Hincks (Sir Francis)
Holton	Houghton
Killam	Langevin
Langlois	Macdonald (Sir John A.)

June 12, 1872

McDonald (Lunenburg)  
McDougall (Lanark North)  
Morris  
O'Connor  
Pickard  
Robitaille  
Ryan (Montreal West)  
Shanly  
Smith (Selkirk)  
Stephenson  
Tilley  
Tupper  
Wright (York West)—53

Mackenzie  
McDougall (Trois-Rivières)  
Nathan  
Pâquet  
Ray  
Ross (Wellington Centre)  
Schultz  
Simard  
Snider  
Street  
Tourangeau  
Webb

## NAYS

Anglin	Members
Bellerose	Baker
Gaucher	Bowell
Grover	Gaudet
Keeler	Jones (Leeds North and Grenville North)
Lawson	Lapum
Masson (Soulanges)	McDonald (Middlesex West)
Perry	Munroe
Ross (Dundas)	Ross (Champlain)
Scriver	Ross (Prince Edward)
White (Hastings East)—21	Thompson (Ontario North)

**Hon. Mr. CHAUVEAU** moved to remit the fee of J. E. Archer for a private bill.—Carried.

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## INSTRUCTIONS FOR JUDGE F. G. JOHNSON

**Mr. SCHULTZ** remarked that the instructions submitted to Judge Johnson in regard to the Manitoba Claims, did not include the claims of one class of people who were entitled to the consideration of the Government. He would move, therefore, "That an humble address be presented to His Excellency the Governor-General, that certain claims of sufferers by the Red River insurrection, which were not within the scope of the instructions given to Judge Johnson, be taken into consideration with a view to their compensation." He contended that Judge Johnson's instructions only covered claims for compensation for losses of property and imprisonment, and that there were many other legitimate claims outside of these. The prisoners had nearly all of them lost a year's time with damage to their respective occupations, and some had suffered serious damage by continued illness. Then there were the legitimate claims of the half-breed population for various losses arising out of the rebellion. He wished to press the matter on the attention of the Government.

**Hon. Sir JOHN A. MACDONALD** said that the motion of the hon. gentleman was somewhat out of order, but taking it on its merits he thought it would be unwise to press it any further just now. Since it was brought before the notice of the Government, they would, as a matter of course, look into the matter, and if it was found that any just claims had been overlooked, the Government would be bound to enquire into them. He thought the hon. gentleman should be satisfied with this answer and with the fact that he had brought the matter before the attention of the House and would withdraw his motion.

**Mr. SCHULTZ** replied that on this assurance from the hon. Minister of Justice (Hon. Sir John A. Macdonald), he would withdraw the motion.

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## RETURNS

**Hon. Mr. TUPPER** presented the report of the Superintendent General of Indian Affairs; also a return on the subject of meteorological observations.

**Hon. Mr. LANGEVIN** presented a return from the surveyors and engineers on the subject of divisions C. D. & E. of the Pacific Railway survey.

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## THE AGRICULTURAL COMMITTEE

**Mr. MUNROE** before the orders of the day were called, would ask the Chairman of the Committee on Agriculture whether they intended to make a report? He considered it a very great importance to the agricultural interests of the country that such a report should be presented. His conviction was very strong that the farming interests should be protected. They were deserving of such protection, and he hoped that all the information which had been gathered on the subject would be brought before the House.

**Hon. Mr. MACKENZIE** objected to the matter being debated by the hon. gentleman. He had asked a question and should confine himself simply to that.

**Mr. JONES (Leeds North and Grenville North)** as Chairman of the Committee, explained that they had been unable to report, because answers to their questions had only been received within the last day or two, and it was now found impossible to get a quorum of the Committee.

\* \* \*

## CRIMINAL APPEAL

**Mr. HARRISON** moved the second reading of the bill to extend the right of appeal in criminal cases. He urged that legislation was very much required on this subject, and thought that there should be an appeal in criminal instances of injustice which had occurred under the existing law, but would not press the bill.

The order was discharged.

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## STOLEN GOODS ADVERTISEMENTS

**Mr. HARRISON** on the adjourned debate on the motion for the second reading of the bill to amend the law relating to advertisements respecting stolen goods, said the objection to the bill, he understood, was that no particular case had been alleged showing the necessity for the proposed change in the law.



It was in consequence of an actual case he had been induced to bring forward the bill. He referred to a case where two newspapers in Toronto had been served with a warrant under the existing law, and where it was found that the whole thing was a fraud and was got up for the purpose of levying blackmail.

Objection had also been taken to the use of the name of the Attorney-General, as provided in the bill, and if it was allowed to go into Committee of the Whole he would strike out that portion. He would also provide that action should be commenced within six months.

**Hon. Sir JOHN A. MACDONALD** would have no objection to the bill with the proposed alterations.

The bill was read a second time, adopted in Committee, and read a third time and passed.

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#### OFFENCES AGAINST THE PERSON

**Mr. HARRISON** moved the second reading of the bill to amend the Act respecting offences against the person. He explained that the object of the bill was to give a discretionary power to the Judge in pronouncing sentence for the crime of rape. It was well known that the death penalty was never carried out, and it seemed to him to be a solemn farce for a Judge to pronounce the sentence of death, the most solemn of all sentences, when he felt that it would not be carried into effect.

The consequence of the death penalty was that advocates often made use of it in order to secure the acquittal of persons who ought to be convicted and punished. He contended that a discretionary power should be vested in the Judges to pronounce the death penalty if necessary or a sentence of imprisonment as circumstances might require.

**Hon. Mr. CAMERON (Peel)** said that the matter was one of great importance and required grave consideration. At this late stage of the session it would not be properly discussed, and he would therefore suggest that the bill be allowed to stand over.

**Hon. Mr. GRAY** approved of the bill, but thought it should go a little further and provide that the sentence for the crime of rape should not necessarily be imprisonment for life, but that according to circumstances imprisonment for a term of years might be inflicted. This had been found to work well in New Brunswick.

**Hon. Mr. MACKENZIE** agreed with the hon. member for Peel (Hon. Mr. Cameron) that it would be impossible to have a fair discussion at this late stage of the session.

**Hon. Sir JOHN A. MACDONALD** was in favour of the principle of the bill, but thought that it would not be wise to do away with the death penalty altogether. In most cases the sentence was commuted. Still, under the peculiar circumstances of the

country, the exposed position of a great part of it, and the long frontier, offered opportunities to men of bad character to cross and recross, and in order to afford additional protection to women, it would be well that the death penalty should not be altogether abolished. As, however, the opinion of the House was altogether in favour of the postponement of the bill, he would suggest its withdrawal.

**Mr. HARRISON** concurred, and the order was discharged.

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#### INSOLVENT ACT

**Mr. HARRISON**, on the motion for the second reading of the bill to amend the Insolvent Act of 1869, said that as such a strong objection had already been taken to that law by the House, he would remark that the amendments he proposed would meet many of the objections which had been urged against the Act of 1869.

The bill was withdrawn.

\* \* \*

#### BILLS PASSED

The following Bills were read a second and third time and passed:—

**Hon. Mr. TUPPER:** To extend to the province of British Columbia the following Acts:—Respecting the navigation of Canadian waters; relating to lighthouses, buoys, and beacons; respecting the treatment and relief of sick and distressed mariners; respecting the inspection of steamboats and for the greater safety of passengers by them; and to authorize the imposing of the like tonnage rates and fees as are imposed by the said two last mentioned acts for the purpose of paying the expenses and remunerating the services required in carrying out their provisions.

**Hon. Mr. TILLEY:** To extend the tariff of duties of customs and excise, and certain enactments thereto, to British Columbia.

**Hon. Mr. TILLEY:** To extend the Act 33 Vic., Cap. 20, to the Port of Collingwood.

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#### PROROGATION

**Hon. Sir JOHN A. MACDONALD** said that his Excellency intended to prorogue the House on Friday, at 3 o'clock. It was found that they could not get through all the business today.

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#### ORDERS DISCHARGED

It being six o'clock the House took recess.

June 12, 1872

The following orders were discharged:—**Mr. MAGILL**, adoption of report of select Committee on manufacturing interests; **Mr. HARRISON**, to extend the right of appeal in criminal cases; **Mr. HARRISON** further to amend the Insolvent Act of 1869; **Mr. HARRISON**, for the more speedy apprehension of fugitive criminals; **Mr. CARTER (Brome)**, to facilitate arrangements with debtor and creditor, to punish fraudulent debtors, and to abolish preference in favour of judgment creditors; **Hon. Mr. ABBOTT**, to provide for the appointment of average adjusters in the principal ports of the Dominion.

## AFTER RECESS

### ELECTION ACT

**Hon. Sir JOHN A. MACDONALD** moved the second reading of the bill to amend the Interim Parliamentary Election Act of 1871.

**Hon. Mr. MACKENZIE** said that at the last general election the municipalities did not make the required sub-divisions and polling places in accordance with the law, and great inconvenience had resulted in consequence. No provision had been made for the payment of the expenses of the returning officer.

**Hon. Mr. CAMERON (Peel)** agreed with his hon. friend as to the difficulties which arose from sub-divisions not having been laid out at the last general election, but that had been done at recent provincial elections, and these sub-divisions would still remain and when reorganized by the present bill the difficulty would be met.

**Hon. Sir JOHN A. MACDONALD** then explained the object of every clause of the bill. The first clause provides that in the Province of Ontario, subject to the special provisions hereinafter made, the qualification of voters at elections for members of the House of Commons shall be that established by the laws in force in that province on the 23rd day of January, 1869, as to the qualifications of voters at elections for members of the Legislative Assembly; and the voters lists to be used at elections of members of the House of Commons shall be the same as at such elections of members of the Legislative Assembly, on the basis of the qualification aforesaid, and the polling subdivisions or wards in the most central and convenient place for such elections. The other clauses relate to Nova Scotia, Manitoba and British Columbia. He proposed to add a clause in Committee, applying the Local Act in Manitoba for the trial of Controverted Elections by Judges to the Dominion Elections in that Province.

**Hon. Mr. MACKENZIE**: Then why not extend the local law of Ontario on the same subject to Dominion elections in that Province?

After which the House went into committee, amended the bill and rose and reported.

**Hon. Mr. CHAUVEAU** on motion for concurrence in the amendments moved, seconded by **Mr. SIMARD**, and the Question being put, That the following Clause be added to the Bill:—"The holders of houses of the annual value of twenty dollars, of the Indian Village of Lorette, in the County of Quebec, shall be allowed to vote at the poll, or at one of the polls of the Parish of Saint Ambroise, as they were allowed previous to the provisions made for Municipal lists; provided that a list of such householders, of over 21 years of age, shall be made and sworn to before a Justice of the Peace by two of the Chiefs of the said Village, and delivered to the Registrar of the said County previous to the issuing of the writ; and such list shall have the same effect as to them as the Municipal lists have as to other Electors."

He said they had a good school, were well educated and were a people of most decent character and had a good right to vote on their property.

**Hon. Mr. MACKENZIE** said the member for Quebec County (**Hon. Mr. Chauveau**) had proposed to make an exception of the tribe in his county. If there was to be a change made it should be of a general character, and he appealed to the Minister of Justice not to suffer the partial enfranchisement of Indians. The motion must have been moved for some particular reason.

**Hon. Mr. CHAUVEAU** replied stating that he had no object in the matter beyond a desire to restore to these Indians a franchise which they had always enjoyed up to the time of the law providing for municipal lists.

**Hon. Mr. MACKENZIE** said they had not voted since he had been in Parliament.

**Hon. Mr. CHAUVEAU** said that he (**Hon. Mr. Chauveau**) had been elected by acclamation six times, and therefore the point had not been raised.

**Hon. Mr. MACKENZIE**: How has it been raised now?

**Hon. Mr. CHAUVEAU**: Because at the last Local Election it had been found that they had no right to vote, not being on the municipal list. He did not advocate this from personal motives, as the Indian vote only amounted to from thirty to forty, whereas his majority when opposed in his contest was over 1,000. The Indians had the privilege of voting when they were far below their present status, and they felt it a great hardship to be deprived of that privilege now.

**Mr. BOWN** said if amendments were adopted, he should follow with a motion for the enfranchisement of the Indians of



Tyendinaga. He could also argue that they were intelligent, and many of them lived as well as white people. There were other municipalities in the Province of Quebec which did not vote in consequence of not having taken advantage of the municipal law, and if the Indians did not choose to take advantage of it he could see no reason why they should be enfranchised. It would be exclusive legislation in favour of one tribe if the amendment were carried.

**Mr. WORKMAN** would like to have the Indians of Caughnawaga included if the present motion were adopted.

**Hon. Mr. MACKENZIE** hoped the Minister of Justice (Hon. Sir John A. Macdonald) would express the policy of the Government in the matter.

**Hon. Sir JOHN A. MACDONALD** said that he would be very glad, indeed, to meet the motion of his friend for Quebec, as far as he could. As a matter of necessity, if these thirty-four Indians were allowed to have an assessment list all other Indians similarly situated must have the same right. The question was, were we prepared to allow Indians all over the Dominion to vote? It occurred to him that his hon. friend had done his duty towards the Indians in his county. He had pressed the claims with great zeal, and he thought his hon. friend must admit that these thirty-four Indians should not be accorded privileges which were denied to others. It would be soothing the feelings of thirty-four and wounding those of 3,400.

His hon. friend would see that the consequence of his motion would be that every Indian throughout the Dominion being a householder of the value of twenty dollars per annum, must also have a vote, and he (Hon. Sir John A. Macdonald) did not think that the Government was prepared to go so far.

**Hon. Mr. CHAUVEAU** said he would be prepared to restore the franchise to Indians wherever it had existed before the operation of the present municipal law.

A division was then taken on **Hon. Mr. CHAUVEAU'S** amendment with the following result:—Yeas, 23; Nays, 38.

*(Division No. 51)*

#### YEAS

##### Members

Anglin  
Bellerose  
Brousseau  
Chauveau  
Daoust  
Gaucher  
Heath  
Langevin  
Masson (Soulanges)  
Perry

Archambault  
Blanchet  
Cayley  
Cimon  
Fortin  
Gendron  
Lacerte  
Langlois  
McKeagney  
Robitaille

Ross (Champlain)  
Tourangeau—23

Ault  
Bourassa  
Campbell  
Delorme (Saint-Hyacinthe)  
Ferguson  
Godin  
Hincks (Sir Francis)  
Keeler  
Macdonald (Sir John A.)  
McDonald (Middlesex West)  
McDougall (Trois-Rivières)  
Morrison (Niagara)  
Pope  
Ross (Dundas)  
Ross (Wellington Centre)  
Scriven  
Street  
Tupper  
Whitehead

Simard

#### NAYS

##### Members

Bolton  
Bowell  
Connell  
Dobbie  
Gaudet  
Harrison  
Houghton  
Lawson  
McDonald (Lunenburg)  
Mackenzie  
Morris  
Nathan  
Pozer  
Ross (Prince Edward)  
Ryan (Montreal West)  
Snider  
Thompson (Ontario North)  
Walsh  
Workman—38

The amendments made in Committee of the Whole were then concurred in.

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#### PUBLIC LANDS

**Hon. Sir JOHN A. MACDONALD** moved the House into Committee on the bill respecting the public lands of the Dominion.

The House went in Committee, **Mr. NATHAN** in the chair, rose, reported the bill with amendments, which were concurred in.

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#### TEA AND COFFEE

**Hon. Sir FRANCIS HINCKS** moved the second reading of the bill to allow the Governor-General in Council to impose a duty on tea and coffee imported from the United States, in case therein mentioned.—Carried. The House went into Committee, rose and reported, and the bill was read a third time and passed.

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#### COPYRIGHT

**Hon. Sir FRANCIS HINCKS** moved concurrence with unimportant amendments made by the Senate to the copyright bill.—Carried.

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#### CONCURRENCE

**Hon. Sir GEORGE-É. CARTIER** moved concurrence in the

June 12, 1872

amendments to the Quebec Pacific Railway bill.—Carried.

The amendments to the Imperial Guarantee bill were also concurred in.

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#### SUPPLY

**Hon. Sir FRANCIS HINCKS** moved the second reading of the Supply bill.

**Hon. Mr. MACKENZIE:** I should like to know what there is in this bill; I have never seen it. (*Laughter.*)

**Hon. Sir FRANCIS HINCKS** said the bill was a very little one. He would explain to the hon. member about the Indian Commissioners. There had been no mistake, as he (Hon. Sir Francis Hincks) had stated last night. It had been found absolutely necessary to send Mr. Simpson, the commissioner, to negotiate treaties with the Indians on the Saskatchewan, some hundreds of miles from Fort Garry, and he would consequently be absent from Fort Garry almost altogether. As this point was constantly visited by bands of Indians, it was found necessary to have a branch of the Indian Department there. The item was for the salary of the agent, \$1,000, and the expenses of the office.

With respect to the item of \$20,000 for British Columbia, very strong representations had come from British Columbia, pointing out the necessity for making provision for the Indians there. The amount asked for was given in detail; but inasmuch as the amount asked for includes items which the Government were not prepared to admit in principle, the Government thought it better to bring down a lump sum of \$20,000, which was considerably less than the sum asked for.

\* \* \*

#### WELLAND CANAL CONTRACT

**Hon. Mr. LANGEVIN** said the hon. member for Lambton (Hon. Mr. Mackenzie) had last night brought before the House a statement in a Roman Catholic newspaper, to the effect that a contract for the supply of timber on the Welland Canal had been given to one John Macdonald, who's tender was not the lowest. The hon. gentleman then quoted from the report of the engineer on these tenders, from which it appeared that although the tender of the Messrs. Phelps was the lowest, it was accompanied with conditions as to time of the delivery of the article, and as to prices and was not in accordance with the specifications, and he advised that Mr. Macdonald's tender should be taken.

It would therefore, appear that no preference had been shown to any one in this matter, as the law and the customs of the

Department had been strictly carried out. As the name of the member for Welland (Mr. Street) had been used by the same newspaper, he (Hon. Mr. Langevin) would take this occasion to deny that that gentleman had anything to do with the matter either directly or indirectly.

**Hon. Mr. MACKENZIE** said that the statements in the paper proved to be substantially correct, the only difference being the condition asked as to the length of time to be given and the prices under certain circumstances. He contended that the Government should have told the parties that their tender must be unconditional, and if they had concurred, their tender should have been accepted.

**Mr. STREET** said that as he had been referred to by the newspaper, and as such statements were calculated to be a serious injury if not contradicted, he was glad that this explanation had been made. He denied that he had ever had anything whatever to do with the matter, and thought it had been clearly shown that no corruption had taken place.

**Hon. Sir JOHN A. MACDONALD** said the article in the newspaper was couched in most unfair and unfriendly language, insinuating improper conduct. The statement of Mr. Munroe, the responsible engineer, disproved anything of this kind. It showed that the engineer recommended the correct course, the only course which could be taken by the department in any case.

When tenders were put in, they should be put in in accordance with the terms and conditions of the call for tenders, and the contractors understood what this meant. It meant that if they were not made in accordance with these terms, they were altogether void. It was a trick of contractors to insert a small variation so as to make it possible to open negotiations, and one could see that if the department did not rigidly carry out a system of looking at the tenders, and tenders only, and seeing whether they were regular, the door would be opened to all kinds of favoritism.

**Hon. Mr. MACKENZIE** said it would be quite apparent that the statement he had alluded to was correct. A list of prices had now been published and people could form their own conclusions from it. As to making any charge of corruption, he had never thought of anything of the kind.

**Hon. Mr. McDougall (Lanark North)** thought that the hon. member for Lambton (Hon. Mr. Mackenzie) hardly gave credit to the department for the very clear explanation that had been made. He (Hon. Mr. McDougall) would be glad if every case that came up in Parliament might be as clearly explained as this one had been. The engineer's statement was a proper statement to make, and the contract accepted was the proper contract to accept. He thought that so full an explanation having been made, the hon. member for Lambton, who was himself a



public officer, should have been ready to say whether the explanation was sufficient or not. He (Hon. Mr. McDougall) thought that from the way the matter had been put, it would be used as an argument elsewhere.

The bill was then read a second time and ordered for third reading tomorrow.

The house adjourned, at ten p.m.

June 13, 1872

## HOUSE OF COMMONS

Thursday, June 13, 1872

The **SPEAKER** took the chair at 3.40 p.m.

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*Prayers*

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## CONCURRED IN

The following bills were returned from the Senate, with amendments, and were concurred in: The Lake Superior and Manitoba Railway Company Act; an Act to incorporate the North West Railway Company; an Act to incorporate the Manitoba Junction Railway Company.

**Mr. O'CONNOR** moved that the fee paid on the North-West Trading Company's bill be refunded, the bill having been dropped in the Senate.

\* \* \*

## THE NORTH WEST TELEGRAPH

**Mr. SMITH (Selkirk)** asked whether the Finance Minister had received any information from England as to the cost of the telegraph wire taken over from the Hudson's Bay Company.

**Hon. Sir FRANCIS HINCKS** was glad his hon. friend had asked this question because it would give him an opportunity of explaining a matter which had excited a good deal of apprehension in the Public Accounts Committee that there was something wrong in the public account. The explanations given at that time were that it was part of the bargain made with the Hudson's Bay Company that this wire should be taken at its cost price, satisfactory evidence being given to the Minister of Public Works that the price paid was cost price and charges; but when the invoices were produced the price seemed so enormous, being something like two or three times the cost of the ordinary wire, that there seemed to be something wrong.

He (Hon. Sir Francis Hincks) had promised to obtain information from England on the subject, and he had last night received a letter from Sir John Rose, which he would read. "The Hudson Bay Secretary was directed to make every inquiry in order to show that the Canadian Government had not been charged with more than the actual cost of the wire and transportation, and he was further directed to collect all the documents in proof of that fact.

I understand that the Government agreed to take it over at cost and charges. The documents which go by this mail to Mr. Smith are

the original invoices receipted with the cheques attached, showing the net payments to the maker; also sundry letters and certificates with reference to the value of the article at that time from persons who are judges of it. It appears that this particular kind of wire was supposed to possess superior advantages over all others, and Sir Curtis Lampton acted on the advice of Mr. Varley, the eminent electrician, in selecting it.

Since that time there has been so much improvement in the other kinds of wire that the homogeneous is less used, and it can now be purchased at a lesser price than it then was. At the time it was bought it was, as I am informed, supposed to be a very judicious purchase; but if the thing had to be done over again today, it is probable that the ordinary wire would be selected. There is no doubt whatever, that the Government has only been charged the actual cost, which I understand was the arrangement. I need not repeat all the circumstances that are contained in the letters addressed by the Secretary to Mr. Donald Smith, but I hope they will be found to give sufficient information as to the various particulars you want."

He (Hon. Sir Francis Hincks) also read a letter he had received from the Secretary of the Hudson's Bay Company to Mr. Donald A. Smith, the member for Selkirk, as follows.—"I have to acknowledge the receipt of your letter of the 10th inst. calling attention to a public discussion which has taken place in reference to the price charged by the Hudson's Bay Company for the telegraph wire purchased by the Canadian Government, and, by the direction of the Governor, and Committee, I transmit herewith the original invoices, three in number, of the wire referred to the receipts for the different amounts paid to Messrs. Shortridge, Howell & Co., of Sheffield, and the drafts on the Company's bankers, in favour of that firm, showing that the price charged in the invoices which you produced at Ottawa are the cost price paid by the Company in 1894.

Acting upon the advice of Mr. C. F. Varley, the engineer and electrician of the Electric and International Telegraph Company, the committee purchased the homogeneous wire, which was carefully tested and approved by that gentleman before it was shipped. I have applied to Mr. Varley for the replies to the engineers contained in your letter, and I hoped to have his answer in time for today's mail, but find that they will be sent on Saturday via New York."

He (Hon. Sir Francis Hincks) also read extracts from a private letter to the effect that as to homogeneous wire, in the construction of which steel is used, owing to the great improvement made during the past seven or eight years, the price had been greatly reduced, and as regards the superiority of homogeneous wire over iron for telegraph purposes there can be little question, especially for deep



stretches where great strength is required. Homogeneous wire can be made of any degree of softness, and in longer lengths than iron; and its tensile strength, combined with flexibility, prevents many breakages that would take place if ordinary wire were used.

He further read another letter addressed to Sir John Rose by a gentleman of experience, to whom he applied for information, to the effect that a ton of homogeneous wire costs now in London from 32 pounds to 33 pounds. In 1865 and 1866, when the material was first used for cables, the price was from 47 pounds to 50 pounds.

**Hon. Mr. McDougall (Lanark North)** said the agreement was to take over the wire at its actual cost, and there would be no doubt from the explanation that that had been done.

**Hon. Mr. Mackenzie** said that the suspicions of the committee had been raised in consequence of the extraordinary price charged, a merchant conversant with such matters having stated that steel wire could be bought at half the price. No one supposed that the Hudson's Bay Company desired to cheat the Government, but it was thought that a mistake had been made. He admitted that the documents read to the House fully explained the matter.

**Mr. Smith (Selkirk)** explained that the wire had been selected by the Hudson's Bay Company from its great lightness. The weight which in iron wire would extend for one hundred miles would in this wire be sufficient for three hundred.

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## REPORTS OF DEBATES

**Hon. Sir John A. Macdonald** brought up a matter which he said had previously been brought up within closed doors, and it was desired that it should be brought up when the doors were open. He held in his hand a paper, signed by 130 members, proposing that a purchase be made of copies of a Report of Debates of the House for the Sessions of 1870 and 1871, published by James Cotton, of the *Ottawa Times*.

He desired to move that the Committee on internal economy of the House be instructed to purchase a certain number of copies of these reports, for distribution among the members. He thought it highly desirable that the project of publishing the debates should be encouraged and the only way to encourage it was by Parliamentary assistance. The general public would not, it was well known, purchase those reports, but it was a record of great value, and he regretted extremely that careful official reports had not been taken from the beginning of this Parliament.

In England no Parliamentary assistance was needed, because members there were wealthy and paid their five guineas every session for Hansard. It was not so in this country. A sufficient number of copies could not be sold to remunerate the publisher.

It was unfortunate that they had not a full and correct report from the beginning, but he hoped the liberality of the House, on the present occasion, would encourage some publisher to compile and publish reports for 1868-9. Unless this was done now it could not be done at all.

**Hon. Mr. McDougall (Lanark North):** What number do you propose?

**Hon. Sir John A. Macdonald** thought two copies for each member of both Houses would not be too many.

**Hon. Mr. Mackenzie** said, in the first place, the House had already decided upon the question adversely, and he did not think it fair to the House to bring up such a motion as this at the last day of the session. The hon. gentleman knew that this was a partisan report. He (Hon. Mr. Mackenzie) had always voted for obtaining a report prepared under the supervision of a Committee of the House; but it would be remembered that that scheme broke down and Mr. Cotton proceeded with this report upon his own responsibility, knowing that the House had declined to sanction his report.

He personally was willing to purchase a few copies for his own use, but this report could not in any sense be called a fair report of the proceedings of the House. As to the round-robin read by the Premier, some members who signed it told him afterwards that they did it under a misapprehension, and no doubt others had also done so. Such a document could not bind the House in any way. These things should be done in open Parliament, and not when nearly all the members had left. He thought this motion could not be entertained at present. It was at any rate entirely out of order.

**Hon. Mr. Tupper** said that the report did not bear a partisan character as an examination of the volumes would show. The reports had been careful to give a fair and impartial report of what took place. As to the proposal having been negatived, he thought that a mistake. A proposal for an official report of the debates was, it was true, negatived; but the general feeling was expressed at the last session that it was desirable to have such reports, the proposal only being defeated through the somewhat peculiar proposal of an opponent of the measure.

He felt that if measures were not taken to secure the substance of the discussions being handed down, showing the reasons for many of the measures being passed, a large outlay would have to be incurred by private individuals, or they would have to leave the proceedings of Parliament unreported.

**Hon. Sir John A. Macdonald** moved, seconded by **Hon. Sir George-É. Cartier**, "That it be entrusted to the Commissioners of the internal economy of the House to arrange for the purchase of 600 copies of the report of the Parliamentary proceedings known as the Canadian Hansard, for the session of 1870-71 for the use of members, the cost of the same to be charged to contingencies."

June 13, 1872

**Hon. Mr. MACKENZIE** said the motion was out of order, as no notice had been given.

**Hon. Sir GEORGE-É. CARTIER** hoped the objection would not be persisted in.

**Hon. Mr. MACKENZIE** said gentlemen opposite had the whole session in which to bring this matter up: why did they not do it earlier? If the Government had chosen to join with members who were anxious to have proper official reports of the debates taken, it could have been done.

**Hon. Sir JOHN A. MACDONALD** said the round-robin was not placed in his hands till the present time. It was almost a command to the House to purchase these reports.

**Mr. ROSS (Dundas)** said that he and several others who had signed with him had signed it under a misapprehension. He had understood that the reports had been published under an implied promise that they would be purchased by the House.

After some discussion, in which several members took part, members of the Government again urging Hon. Mr. Mackenzie to withdraw his objection,

**Hon. Mr. MACKENZIE** said he was perfectly aware the Government could force the matter through if they chose. He objected because he was satisfied the proposal could not be carried in a full House; at least four members had told him they had signed the round-robin under a misapprehension, and notice would have to be given.

**Hon. Sir JOHN A. MACDONALD** hoped that the hon. gentleman would not press his objection, but if he did, he would leave the motion as a notice for tomorrow.

**Hon. Mr. MACKENZIE** said he was not quite sure that the motion could be entertained even tomorrow; that the House was bound by any round-robin signed by members, was a doctrine he could not admit. If the Speaker ruled that notice for tomorrow was sufficient he would vote against the proposition if present. The very fact that this motion was brought up in this way, first with closed doors when reporters were not present, and just on the eve of prorogation, indicated that the feeling of the House was against it. He had stated his objections, he had pointed out the unwarrantable mode of doing this thing; but knowing that it was perfectly useless to prevent this motion passing, as the Government were determined to press it, he would not insist upon the point of order, but would content himself with expressing his opinion and vote against the proposition.

**Hon. Mr. McDUGALL (Lanark North)** saw no antagonism between this and the proposition which had been negatived, which was to have an official report at very considerable expense. It was most desirable that these reports should be obtained for reference, as now there is the necessity of preserving the files of the daily papers, which was a course very inconvenient and almost

impossible. He thought the expense of obtaining these two volumes was not to be compared with the benefit that would arise. He found by referring to the previous notes that it was the silent members who always voted down such propositions. Now, however valuable their services, it was very unfair that valuable discussions and decisions should not be preserved in prominent form.

**Mr. HARRISON** agreed in this view. The debate was continued at some length, when in the absence of Hon. Sir John A. Macdonald,

**Hon. Sir GEORGE-É. CARTIER** moved that it be an instruction to the Commissioners of Internal Economy to make arrangements for 600 copies of the reports of Parliamentary proceedings, known as the Canadian Hansard, for the years 1870 and 1871 for the use of members, the cost to be charged to contingencies.

**Hon. Mr. MACKENZIE** objected that the motion was out of order. No notice had been given.

After considerable discussion,

**Hon. Mr. MACKENZIE** withdrew his objection, as notice of motion was given, and so the Government could carry it if they liked.

The House then divided on the motion, which was carried: — Yeas, 41; Nays, 5.

(Division No. 52)

## YEAS

### Members

Abbott	Brousseau
Campbell	Carter
Cartier (Sir George-É.)	Cayley
Daoust	De Cosmos
Ferguson	Gaucher
Grant	Gray
Grover	Harrison
Hincks (Sir Francis)	Keeler
Langevin	Langlois
Lawson	Macdonald (Sir John A.)
McDonald (Lunenburg)	McDonald (Middlesex West)
Masson (Soulanges)	McDougall (Lanark North)
McKeagney	Morris
Morrison (Niagara)	O'Connor
Perry	Pope
Robitaille	Ross (Dundas)
Ryan (King's, N. B.)	Schultz
Shanly	Smith (Selkirk)
Street	Tilley
Tourangeau	Tupper
Wright (Ottawa County)—41	

## NAYS

### Members

Ault	Bourassa
Cartwright	Delorme (Saint-Hyacinthe)
Mackenzie—5	



## THIRD READINGS

The following Bills were read a third time and passed;—

**Hon. Sir JOHN A. MACDONALD:** To amend the Interim Parliamentary Election Act of 1871.

**Hon. Sir JOHN A. MACDONALD:** Respecting the public lands of the Dominion.

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## SUPPLY

**Hon. Sir FRANCIS HINCKS** moved the third reading of the Supply Bill.

**Hon. Mr. MACKENZIE** had objected last night to the third reading of the Supply Bill, in the first place because he thought they should conform to the old custom and make the Supply Bill the last Act of the House.

**Hon. Sir JOHN A. MACDONALD:** It is not the usual custom.

**Hon. Mr. MACKENZIE** said that last night he had objected to this Bill being read a third time then, for two reasons; first, it had always been their practice that the final passage of a Supply Bill should be the last Act of the session. Then he had intended to make some remarks upon the policy of the Government during the session, after the final stage of this Bill.

However, at this late hour of the day, and with so very few members present he would not make any extended remarks. They were on the eve of a general election, and his impression was that he could secure, at all events, a much more appreciative audience, and a much larger audience; and perhaps he might say, without any disrespect to the House, in his view, a much better audience than he could possibly have to-day. (*Laughter.*)

He knew that he would be trespassing a good deal upon the patience of the House by making any extended remarks now; he would merely say therefore, that he looked upon the events of the session as exceedingly important; important in the coming results to the country; important in the enormous expenditure which the House had sanctioned; important above all, in his view from the unconstitutional manner in which that expenditure had been sanctioned by the House.

He had himself endeavoured as far as he could to check what he believed consequently to be a departure from sound principles of Parliamentary Government; but a very large majority of the House decided in a manner hostile to his view of the case; and from that decision of the House he was about to appeal to the country, in common with those who agreed with his views. That appeal would be decided upon within a very short time, and he was content to rest the whole case upon the issue of that appeal.

He believed that they had done incalculable damage to the cause of constitutional Government by the course they had pursued in regard to several matters this session. He believed at the same time that in a country like ours, where the people are habituated to self-government, they would generally appreciate more fully the reasons put forth by the Opposition for the course they had been pleased to take upon some of these matters.

It had been charged against them that they made certain motions in regard to the great Pacific Railway in a spirit hostile to the undertaking itself. That he invariably denied. During the whole of his Parliamentary life, especially during the period since the discussion of their present order of political existence first took place, he had taken the view, as his speech on Confederation would show, that it was important to have a Pacific Railway. He believed it was essential to the property of the country, but he did not believe it was at all necessary to proceed in the way the Government had chosen to proceed, and in the way sanctioned by Parliament. It was only against that course that he had proposed his amendments and had spoken.

With regard to the other greater matter of the session, the Treaty, he took the view early in the summer that he took now, and he had no reason whatever to regret the course he had taken in the House. He believed it was one that the country would fully sustain. It was yet uncertain whether England would humiliate herself as we had been asked to do and had done in order to get the Treaty. That depended on events now proceeding.

We were in haste to humiliate ourselves; England with more wisdom and prudence hesitated to commit the act of suicide that was demanded at her hands by the authorities at Washington. He believed, in short, that we had yielded to an intolerant political spirit towards this country on the part of the United States to an extent that we ought not to have done. The course we had taken would bring upon us disrespect instead of respect as a people, and our yielding so much would only result before long in our being called upon to yield something more. He might be wrong in these views, but they were conscientiously held.

With these few words regarding the two great measures of the session, measures which gave the session an importance above all other sessions since Confederation, he would not give any opposition to the passage of the Bill, but, as he had said, he would appeal in support of his views to those who would soon have the decision in their hands.

The Bill was then read a third time and passed.

\* \* \*

## QUESTIONS

**Mr. TOURANGEAU** asked first in what manner imperial property in Quebec, such as the Citadel, barracks, fortifications, stores &c. has been transferred to the Dominion of Canada; whether in trust with power to take possession at any time or if

June 13, 1872

it has been made an absolute gift? Second, whether the Queen's Wharf, in Quebec, is or is not the property of the Dominion or otherwise, whether it is or is not under the control of our Government?

**Hon. Sir GEORGE-É. CARTIER** replied that as to the first question, the property had been handed over to the Canadian Government for defensive purposes. As to the second, the Queen's Wharf had not yet been handed over.

**Mr. SCHULTZ** on his notice of motion for an address respecting the distribution of half-breeds in Manitoba. After expressing his opinion that the reserve should be distributed as best suited to the half-breeds themselves, he would withdraw the motion.

**Mr. SCHULTZ** on his motion for an address respecting the enumeration of the inhabitants of Manitoba, said he had brought the matter forward because of the promise made him last year by the then Minister of Agriculture, that the census shortly to be taken would include Manitoba, and he was disappointed that that promise had not been carried out. It was very important that an enumeration should be made. He withdrew the motion.

**Hon. Sir JOHN A. MACDONALD** said the Government was not aware of any such promise.

**Hon. Mr. MACKENZIE** distinctly remembered the promise, and was sorry the motion was withdrawn.

**Mr. SHULTZ** moved an address to the Governor General for an

increase of the military force in Manitoba to 300 foot and 100 horse. He said this number was absolutely necessary to maintain the dignity of the Crown and expressed the hope that the Adjutant-General would visit the Province to judge of the matter for himself.

**Hon. Sir GEORGE-É. CARTIER** said he had previously announced the intention of the Government to provide a force of 300 men. As to the constabulary force, it had been recommended by the Lieutenant-Governor, and also by the members for Lisgar (Mr. Schultz) and Selkirk (Mr. Smith), and it would engage the attention of the Government.

**Mr. SCHULTZ** said that was the assurance he desired to elicit and he withdrew his motion.

\* \* \*

#### PUBLIC LANDS

On the third reading of the bill respecting the public lands of the Dominion,

**Hon. Mr. MORRIS** moved its reference back to Committee for amendments.

The amendments were passed through Committee, and the bill was read a third time and passed.

The House then at 5.45 adjourned till 11 o'clock tomorrow, it being promised, at the request of **Hon. Mr. MACKENZIE**, that no business would then be undertaken, except matters from the Senate.





June 14, 1872

## HOUSE OF COMMONS

Friday, June 14, 1872

The **SPEAKER** took the chair at 11.45.

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*Prayers*

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After Routine,

**Hon. Mr. TUPPER** presented a correspondence between the Department of Marine and Fisheries and the Board of Trade in England relating to services of pilots in the St. Lawrence.

\* \* \*

## ELECTION ACT

On the motion to concur in the Senate amendment to the bill to amend the Interim Parliamentary Election Act.

**Mr. WALSH** explained that the amendment affected a portion of Middleton. The effect of it would be to leave the representation of Oxford and Norfolk unchanged.

\* \* \*

## BOUNDARY LINE

**Hon. Mr. McDOUGALL (Lanark North)** asked whether any progress had been made with reference to the boundary between Ontario and Quebec.

**Hon. Sir JOHN A. MACDONALD** replied that negotiations between the two Governments were going on; and that the Secretary of State and the Commissioner of Crown lands, Mr. Scott, on the part of Ontario, were in communication on the subject. He (Hon. Sir John A. Macdonald) could not say to what extent those negotiations had advanced.

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THE SENATE

## PROROGATION

This day at three o'clock p.m., His Excellency the Governor-General proceeded in state to the Chamber of the Senate, in the Parliament buildings, and took his seat upon the Throne. The members of the Senate being assembled, His Excellency was

pleased to command the attendance of the House of Commons, and that House being present, the following public and private bills were assented to in Her Majesty's name by His Excellency the Governor General, vis:—

An Act to repeal the Duties of Customs on Tea and Coffee.

An Act to amend the Act respecting the Statutes of Canada.

An Act to confirm an agreement made between the Grand Trunk Railway Company of Canada and the International Bridge Company; and for other purposes.

An Act for the avoidance of doubts respecting Larceny of Stamps.

An Act further to amend the Act respecting the security to be given by Officers of Canada.

An Act to correct a Clerical error in the Act respecting malicious injuries to Property.

An Act to make provision for the continuation and extension of the Geological Survey of Canada, and for the maintenance of the Geological Museum.

An Act to naturalize Anson Greene Phelps Dodge.

An Act to amend the Act regulating the issue of Dominion Notes.

An Act respecting the Public Debt and the raising of Loans authorized by Parliament.

An Act to amend the Act respecting the Civil Service of Canada.

An Act to amend the Act of incorporation of the Caughnawaga Ship Canal Company.

An Act to amend the Act to incorporate the Detroit River Tunnel Company, and for other purposes.

An Act to amend the Act to incorporate the Managers of the Ministers' Widows and Orphans' Fund of the Synod of the Presbyterian Church of Canada in connection with the Church of Scotland.

An Act to incorporate the Canada and Newfoundland Sealing and Fishing Company.

An Act relating to the Treaty of Washington, 1871.



An Act to indemnify the Members of the Executive Government and others for the unavoidable expenditure of Public Money without Parliamentary grant, occasioned by the sending of an Expeditionary Force to Manitoba, in 1871.

An Act relating to Quarantine.

An Act to amend the Act relating to Banks and Banking.

An Act respecting the Grand Trunk Railway and the Champlain Railroad Companies.

An Act to incorporate the Bank of Acadia.

An Act respecting the Toronto Savings Bank.

An Act to amend the Act, chapter 47, of the Consolidated Statutes for Upper Canada, intituled, "An Act respecting Rivers and Streams."

An Act to amend the Act incorporating the British America Assurance Company, and the subsequent Acts affecting the said Company.

An Act to incorporate the Anchor Marine Insurance Company.

An Act to amend the chapters six and seven of the Statutes of 1871, relating to Savings Banks.

An Act to incorporate the Thunder Bay Silver Mines Telegraph Company.

An Act to incorporate the Mail Printing and Publishing Company (Limited).

An Act to incorporate the Canadian Railway Equipment Company.

An Act to amend the Act incorporating the Mutual Life Association of Canada.

An Act to legalize a certain agreement entered into between the Grand Trunk Railway Company of Canada and the Corporation of the Town of Galt, and for other purposes therein mentioned.

An Act to legalize and confirm the Lease to the Northern Railway Company of Canada of the Lines of Railway of the Northern Extension Railways Company.

An Act to amend the Act incorporating the London and Canadian Loan and Agency Company (Limited).

An Act to enable the Great Western Railway Company to extend and improve its connections.

An Act to incorporate the Dominion Water Works Company.

An Act to incorporate the Inland Marine and Fire Insurance

Company of Canada.

An Act to incorporate the St. Catharine's (Ontario) Board of Trade.

An Act to amend the Act to incorporate the Canadian and European Telegraph Company.

An Act to incorporate the Bank of St. John.

An Act to incorporate the Maritime Bank of the Dominion of Canada.

An Act to incorporate the Bank of Hamilton.

An Act to incorporate the St. Lawrence Bank.

An Act to incorporate the Exchange Bank of Canada.

An Act to incorporate the Quebec Frontier Railway Company.

An Act to incorporate the Canada Agricultural Insurance Company.

An Act to incorporate the St. John Board of Trade.

An Act to incorporate the Board of Trade of the Town of Lévis.

An Act to incorporate the Missionary Society of the Wesleyan Methodist Church in Canada.

An Act to incorporate the Sorel Board of Trade.

An Act to amend the law relating to the fraudulent marking of Merchandise.

An Act to provide for the Revisal of Voters' Lists for Elections to the House of Commons in a certain Revisal District of the County of Victoria, Nova Scotia.

An Act to incorporate the Detroit River Railway Bridge Company.

An Act to incorporate the River St. Clair Railway Bridge and Tunnel Company.

An Act to incorporate the Coteau and Province Line Railway and Bridge Company.

An Act to incorporate the St. Lawrence International Bridge Company.

An Act to incorporate the Bank of Manitoba.

An Act to change the name of the "District Permanent Building Society of Montreal" to that of the "Loan and Landed Credit Company," and to grant certain powers to the said Company.

June 14, 1872

An Act to extend the powers of the Montreal Telegraph Company, and for other purposes.

An Act to incorporate the Superior Bank of Canada.

An Act to incorporate the Toronto Corn Exchange Association.

An Act to divide certain Polling Districts in the County of Inverness, in the Province of Nova Scotia, and to provide for Voters Lists' therefore.

An Act respecting Bridges.

An Act to amend the St. Lawrence and Ottawa Railway Act.

An Act to remove doubts under the Act respecting the Public Works of Canada.

An Act respecting the Shipping of Seamen in Nova Scotia.

An Act respecting the appointment and powers of Commissioners of Pilots for the Coasts and Harbors of the County of Charlotte.

An Act to provide for the appointment of a Harbor Master for the Port of Halifax.

An Act to amend the Act 34 Vic., Cap 3, respecting the Loan for paying a certain sum to the Hudson's Bay Company.

An Act to grant certain additional powers to the Ottawa, Vaudreuil and Montreal Railway Company.

An Act to incorporate the Dominion Trust Company.

An Act to compel Members of the Local Legislature, in any Province where dual representation is not allowed, to resign their seats before becoming Candidates for seats in the Dominion Parliament.

An Act to incorporate the Banque Ville-Marie.

An Act to incorporate the Canada Improvement Company.

An Act to amend the Immigration Act of 1869.

An Act to incorporate The Accident Insurance Company of Canada.

An Act to incorporate the Ontario Shipping and Forwarding Company.

An Act to incorporate the Board of Trade of the Town of Chatham.

An Act relating to Bills of Exchange and Promissory Notes.

An Act respecting the Canadian Pacific Railway.

An Act to amend the St. Francis and Mégantic Railway Act.

An Act respecting Patents of Invention.

An Act to incorporate the Halifax Banking Company.

An Act to incorporate the Manitoba Insurance Company.

An Act to provide for the incorporation of Immigration Aid Societies.

An Act to readjust the Representation of the House of Commons.

An Act to incorporate the Manitoba Junction Railway Company.

An Act to incorporate the Lake Superior and Winnipeg Railway Company.

An Act to incorporate the North Western Railway Company of Manitoba.

An Act to incorporate the Central Railway Company of Manitoba.

An Act to incorporate the Lake Superior and Manitoba Railway Company.

An Act relating to the Central Bank of New Brunswick.

An Act to incorporate the Quebec Pacific Railroad Company.

An Act to incorporate the Imperial Guarantee and Loan Society.

An Act to incorporate the Canada Pacific Railway Company.

An Act to incorporate the Canada and New York Bridge and Tunnel Company.

An Act further to amend the Act 31 Vic., Cap. 33.

An Act to explain and amend the Sault St. Mary Railway and Bridge Act.

An Act to amend the Act to incorporate the Queenston Suspension Bridge Company.

An Act to amend the Act of incorporation of the Ontario and Erie Ship Canal Company.

An Act further to amend the Act incorporating the Western Assurance Company.

An Act to amend the Act incorporating the Canada Central Railway Company.

An Act to incorporate the Thunder Bay Silver Mines Railway Company.



An Act to incorporate the Pacific Junction Bridge Company.

An Act to incorporate the Gananoque and Wiltsie Navigation Company.

An Act to incorporate the Inter-Oceanic Railway Company of Canada.

An Act to amend the Act 32 and 33 Vic., Cap. 8.

An Act to amend the Law relating to Advertisements respecting Stolen Goods.

An Act to amend an Act of the present Session, and to enable the Governor in Council to impose a duty on Tea and Coffee, imported from the United States, in the case therein mentioned.

An Act to amend the Criminal Law relating to Violence, Threats and Molestations.

An Act respecting trade Unions.

An Act to extend the Acts 32, 33 Vic., Cap. 40, and 33 Vic., Cap. 20, to the Port of Collingwood.

An Act to extend certain Laws relating to matters connected with Navigation to the Province of British Columbia.

An Act for imposing Tonnage Dues and Wharfage Rates to meet the cost of improving the navigation of the St. Lawrence between Montreal and Quebec.

An Act to extend the Canadian Tariff of Duties of Customs and Excise, and certain Acts relating to Customs and the Revenue, to the Province of British Columbia.

An Act to incorporate the Anticosti Company.

An Act to amend the Interim Parliamentary Elections Act, 1871.

An Act respecting the Public Lands of the Dominion.

The Title of the following Bill was then read:—

“An Act to amend the Act respecting Copyright.”

To this Bill the Clerk of the Senate, by His Excellency's command, did thereupon say:

“His Excellency the Governor General doth reserve this Bill for the signification of Her Majesty's pleasure thereon.”

Then the Honourable the Speaker of the House of Commons addressed His Excellency the Governor-General as follows: “May it please your Excellency,—In the name of the Commons

of Canada, I present to your Excellency a bill entitled ‘An Act for granting to Her Majesty certain sums of money required to defray certain expenses of the public service for the financial years ending respectively the 30th June, 1872 and the 30th June, 1873’ to which I humbly request your Excellency's assent.”

To this bill the Royal assent was signified in the following words:—“In Her Majesty's name His Excellency the Governor-General thanks her loyal subjects, accepts their benevolence, and assents to this bill.”

\* \* \*

### THE SPEECH FROM THE THRONE

After which His Excellency the Governor-General was pleased to close the fifth session of the first Parliament of the Dominion with the following speech:—

Honourable Gentlemen of the Senate; Honourable Gentlemen of the House of Commons:

I have much satisfaction in relieving you from an attendance in Parliament which cannot fail to be inconvenient to many of you at this season of the year. I thank you, therefore, all the more, for the time and attention which you have diligently bestowed on the discharge of your public duties.

The interest and importance of various questions which have been discussed and decided will render the session memorable in the annals of the country.

Your adoption of the articles of the Treaty of Washington, which affect Canadian interests, has placed in a clear light your determination to share the fortunes of England. The generous disposition evinced under the trying circumstances of the time has added strength to the honourable position of Canada, both as regards the British Empire and the United States.

The vast project, of which you have so wisely matured the conditions, for carrying a railway to the shores of the Pacific, will open a pathway for England as well in peace as in war to the east: and will, I trust, be productive of the most essential benefits to this Dominion by giving facilities to traffic of all descriptions; enhancing the value of the public lands, promoting their settlement, and drawing closer the ties which bind the sister provinces together, by easier access and multiplied intercourse.

Few who have not considered the subject have any adequate conception how large an extent of economical advantage the possession of great navigable rivers like the St. Lawrence and its tributaries comprises. The outlay you have sanctioned on their improvement and on that of the auxiliary canals is a safe investment. It will be amply and speedily repaid by the augmented volume of trade flowing down all the channels opened to its course, for it will be swollen by the confluence of

June 14, 1872

your own accumulating productions with those of your Western neighbours.

It is highly satisfactory that the condition of the revenue is so prosperous as to enable you to advance the interests of the country, by commencing the construction of these works at once, without delay or misgivings.

Gentlemen of the House of Commons:

In Her Majesty's name, I thank you for the supplies which you have so cheerfully granted. I heartily congratulate you on the prosperous condition of the revenue, and on your having been enabled, by the repeal of the duties on tea and coffee, to diminish the burdens of the people.

Hon. Gentlemen of the Senate: Gentlemen of the House of Commons:

The joint address with which you have honoured me on the eve of my departure, is most agreeable to my feelings. I shall, I assure you, hold in grateful recollection all my life the expression of your respect and esteem.

I have watched with deep interest in my official capacity the

proceedings of four sessions, and made myself otherwise acquainted with the views and wishes of the Parliament and people of Canada, and I earnestly hope that the good intelligence which prevails between them and the people of England may last, constant and unimpaired for generations to come.

I now have the honour to bid you farewell, with those serious thoughts which the word "farewell" naturally awakens, with every acknowledgement of the many courtesies and the effective assistance which I have received at your hands, and with the most cherished and ardent wishes for the welfare of the Dominion, with which, I rejoice to think, that my humble name has been connected by an honourable tie for more than three years.

Then the Honourable the Speaker of the Senate said:-

Honourable Gentlemen of the Senate,

Gentlemen of the House of Commons:—

It is His Excellency the Governor General's will and pleasure that this Parliament be prorogued until Wednesday, the Twenty-fourth day of July next, to be then here holden, and this Parliament is accordingly prorogued until Wednesday, the Twenty-fourth day of July next.





# **INDEX**

## **HOUSE OF COMMONS DEBATES**

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FIFTH SESSION – FIRST PARLIAMENT

April 11, 1872 to June 14, 1872

Prepared by the Index and Reference Service  
of the House of Commons



The presentation of a member's name is accompanied by the constituency and political affiliation in abbreviated form: C: Conservative; L: Liberal; Ind.: Independent; L-C: Liberal-Conservative; Anti-Con: Anti-Confederate.

Geographic names are presented as recorded in the bill or the quoted reference.

## COMMONS DEBATES INDEX — 1872

## A

**Abbott, Hon. John Joseph Caldwell (C—Argenteuil, Québec)**

- Accident Insurance Company of Canada Bill, 331
- Canada and Newfoundland Sealing and Fishing Company Bill, 99
- Canadian Pacific Railway Bill, 260, 364-365, 388
- Ports of the Dominion, 507
- Wesleyan Methodist Church Missionary Society Bill, 414
- Treaty of Washington, 1871, 459

**Abduction**

- Person from London, Ontario to America, information requested, 495

**Acadian Iron Mines**

- Branch railway construction, 437

**Accident Insurance Company of Canada Bill**

- Introduction, 1<sup>st</sup> reading, 331
- 2<sup>nd</sup> reading, 390
- Committee, report, 390
- 3<sup>rd</sup> reading, 390
- Royal Assent, 519

**Accounts, Select Standing, Committee**

- See Public Accounts, Select Standing Committee

**Address in Reply to Governor General's Speech**

- Consideration, discussion, 3-13
- Adoption, custom, British House of Commons, 3
- At next sitting, M. (Macdonald, Sir John A.), agreed to, 2
- Governor General, message, 25

**Agriculture**

- Exhibition, funding, 99
- Provinces, Boards, Councils, promotion, funding, 99

**Agriculture Committee**

- Report, 505

**Agriculture Department**

- Supply item, immigration and statistics, 305-306

**Agricultural Industry**

- Protection
- Select committee M. (Jones), 54-76

**Agricultural Insurance Company of Canada Bill**

- Introduction, 1<sup>st</sup> reading, 185
- 2<sup>nd</sup> reading, M., 390
- Carried, 390
- Committee, report, 390
- 3<sup>rd</sup> reading, passed, 390
- Amendments from Senate, concurrence, 482
- Royal Assent, 518

**“Alabama claims”**

- Treaty of Washington (1871), relationship, 118, 143, 145, 173-174, 178, 180, 187, 190-192, 220-223, 226, 237, 244, 254, 261, 266, 274

**Anchor Marine Insurance Company Bill**

- Introduction and 1<sup>st</sup> reading, 153
- 2<sup>nd</sup> reading, Committee of the whole, 320
- 3<sup>rd</sup> reading, passed, 320
- Royal Assent, 518

**Anglin, Hon. Timothy Warren (L—Gloucester, New Brunswick)**

- Banks and banking, 37-38

**Anglin, Hon. Timothy Warren (L—Gloucester...—Cont.)**

- Canadian Pacific Railway, 311-312, 314
- Canadian Pacific Railway Bill, 161, 360, 363
- Census, 428
- Committee of Supply, 427, 438, 447, 455-456, 458, 465-467
- Controverted Elections Bill, 338
- Dominion Notes Act (amdt.) Bill, 39, 158
- Dual Representation Bill, 340, 350
- Education, 74, 77, 299, 321, 374-377, 384-385
- Emigrants to Canada, 430-431
- Emigration agents, employees, 429
- European and North American Railway, 438, 498
- Harbours, 497-498
- Houlton Branch Railway Company Shareholders Bill, 345
- Immigration Law amendment Bill, 287
- Insolvency Laws Repeal Bill, 110
- Intercolonial Railway, 322, 431
- Judges, 409
- Larceny of Stamps Bill, 50
- Lumber, 466
- Meteorological observatories, reports, 296
- Military property, 483
- Militia and Defence, 456
- New Brunswick, 74-75, 299, 321, 374-377, 384-385, 467
- Ontario, 496
- Public Buildings, 438
- Quarantine, 429
- Receiver General, 305
- Representation in the Commons Readjustment Bill, 487
- Returning Officers for the next Elections Bill, 444
- Shippegan Gully, 317
- Statistics, vital, 427
- St. Lawrence River, 465
- Superannuation Fund, 104, 113
- Treaty of Washington, 1871, Bill, 195, 198, 253-258
- Trinity House, 465

**Anticosti Company Bill**

- Introduction, M., 99
- 2<sup>nd</sup> reading, 414
- Committee, amendments, 414
- Concurrence, 443
- Royal Assent, 520

**Appeal in Criminal Cases Bill**

- Introduction, 41
- 2<sup>nd</sup> reading, 505
- Ordered that the Bill be withdrawn, 505
- Order discharged, 505, 507

**Archives, Canadian**

- Expenditure, 498
- Office, construction, 290

**Ashburton Treaty (1842)**

- Treaty of Washington, relationship, 203, 205, 207-208

**Auditor's report**

- Expenditures, assets, 84



**B****Baie Verte Canal**

- Construction, 47, 275
- Reports, estimates M. (Grant), 332
- Carried, 332
- Return, 412
- Dimensions, proposal, 434-437
- Survey additional, 483

**Baker, George Barnard (C—Missisquoi, Québec)**

- Agricultural Insurance Company of Canada Bill, 185
- Notre Dame des Anges from Missisquoi Detachment Bill, 352
- St. Francis and Mégantic Railway Act Amendment Bill, 334
- Treaty of Washington, 1871, Bill, 249

**Ballot Bill**

- 2<sup>nd</sup> reading, 441
- M. (Macdonald, Sir John A.), 441
- Carried on division, 441-442

**Bank of Acadia Bill**

- Introduction, 1<sup>st</sup> reading, 115
- 2<sup>nd</sup> reading, Committee of the Whole, 319
- Senate amendments, 414
- 3<sup>rd</sup> reading, passed, 414
- Royal Assent, 518

**Bank of Canada Bill**

- Introduction, 53
- 2<sup>nd</sup> reading, passed, 279
- Committee, passed, 279
- 3<sup>rd</sup> reading, passed, 279
- See* St. Lawrence Bank Bill

**Bank of Hamilton Bill**

- 2<sup>nd</sup> reading, 189
- Committee, passed, 278
- Senate amendments, 414
- 3<sup>rd</sup> reading, passed, 414
- Royal Assent, 518

**Bank of Manitoba Bill**

- See* Manitoba Bank Bill

**Bank of St. John Incorporation Bill**

- Introduction and 1<sup>st</sup> reading, 153
- 2<sup>nd</sup> reading, Committee of the Whole, 319-320
- 3<sup>rd</sup> reading, passed, 319-320
- Royal Assent, 518

**Bank of Upper Canada**

- Statement of affairs (Hincks, Sir Francis), 25, 41

**Banks and banking**

- Committee of the Whole, M. (Hincks, Sir Francis), 31
- Resolutions, 47-49
- Amendment M. (Cartwright), 48-49
- Savings banks
- Cape Breton, establishment, 42
- Committee of the Whole, 37-38, 47-49

**Banks and Banking Act Correction Bill**

- Introduction and 1<sup>st</sup> reading, 49

**Banks and Banking Act Correction Bill —Cont.**

- 2<sup>nd</sup> reading, 97
- Banking and Commerce Committee, referral, 97
- Committee, 301
- 3<sup>rd</sup> reading, passed, 301
- Royal Assent, 518

**Banque Ville Marie Bill**

- 3<sup>rd</sup> reading, passed, 454
- Royal Assent, 519

**Barthe, Georges Isidore (Ind-C—Richelieu, Québec)**

- Insolvency Laws Repeal Bill, 280
- Saint Ours Lock, 439
- Sorel, 503
- Sorel Board of Trade Bill, 185, 390

**Baxter, Thomas**

- Red River Rebellion, claim, 415

**Bay of Fundy**

- Communication with Gulf of St. Lawrence, 2

**Bay Verte Canal**

- See* Baie Verte Canal

**Beaty, James, (C—Toronto East, Ontario)**

- Bank of Canada Bill, 53
- O'Neil, detective, City of Ottawa, 73

**Beaubien, Hon. Joseph-Octave (C—Montmagny, Québec)**

- Judges, 17

**Beauharnois Canal**

- Damages, expenses, 499
- Enlargement, 100, 434-436

**Béchar, François (L—Iberville, Québec)**

- Notre Dame des Anges from Missisquoi Detachment Bill, 352

**Bell buoy**

- Trinity Ledge, St. Mary's Bay, Nova Scotia, 19

**Bellerose, Joseph Hyacinthe (C—Laval, Québec)**

- Dual Representation Bill, 334-335
- Education, 76, 297
- Insolvency Laws Repeal Bill, 69, 71, 280, 282
- Returning Officers for the next Elections Bill, 444

**Benoit, Pierre Basile (C—Chambly, Québec)**

- Agriculture, 99

**Bernard, Major, of Douglstown**

- Pension, petition, 99

**Big Creek**

- Opening, 100

**Bills of Exchange and Promissory Notes Bill**

- Introduction, 285
- 2<sup>nd</sup> reading, 445
- Committee, 445
- 3<sup>rd</sup> reading, passed, 445
- Royal Assent, 519

**Bills**

- Royal Assent, 517-520

**Blake, Hon. Edward (L—Durham West, Ontario)**

- Abduction, 495

**Blake, Hon. Edward (L—Durham West...—Cont.)**

Banks and banking, 37  
 Bossé, Judge, 347  
 Canadian Pacific Railway Bill, 162, 166-167, 353-364, 388, 391, 401  
 Controverted Elections Bill, 335-337  
 Committee of Supply, 446-447  
 Criminal Statistics Collection Bill, 352  
 Dangerous Weapons Carrying Law Extension Bill, 440  
 Dominion Waterworks Company Bill, 289  
 Dual Representation Bill, 350, 415-419, 421, 423, 425  
 Education, 379-385  
 Elections, controverted, 18  
 Fenian Raids, 30, 148-149  
 Fisheries, 30  
 General Election Bill, 324  
 Geological Survey of Canada, 35-36  
 Houlton Branch Railway Company Shareholders Bill, 346-347, 482  
 Immigration Law amendment Bill, 287, 408  
 Independence of the Senate Bill, 325-329  
 Insolvency Laws Repeal Bill, 59, 111, 280  
 Johnson, Hon. Mr. Justice F. G. Lieutenant-Governor of  
 Manitoba (appointment), 107-108  
 Judges, 107-108, 277-278, 408-409  
 Legislation, 44-45  
 Macdonald, Hon. John Sandfield, 413-414  
 Manitoba, election, contested, 3  
 New Brunswick, 379-385  
 Ontario, 495-496  
 Queen's Counsel, 317  
 Redistribution of seats, 139  
 Representation in the Commons Readjustment Bill, 402-404, 471  
 Returning Officers for the next Elections Bill, 442  
 Rivers, 102  
 Senate, 78  
 Seamen, 412  
 Stolen Goods Advertisements Law Amendment Bill, 440  
 Superannuation Fund, 112-113  
 Tea and Coffee Duties repeal Bill, 365  
 Treaty of Washington, 34, 92-93, 95  
 Treaty of Washington, 1871, Bill, 137, 169-175, 195, 252  
 War material, 415

**Blanchet, Joseph-Godéric (C—Lévis, Québec)**

Archives, Canadian, 290  
 Committee of Supply, 466  
 Geological Survey of Canada, 36  
 Gulf of St. Lawrence, 42  
 Immigration Law amendment Bill, 287  
 Indians, grant, 466  
 Intercolonial Railway, 40, 68  
 Lévis, 106  
 Lévis Board of Trade Bill, 153  
 Militia and Defence Department, 453  
 Speakers' decisions, authorization to print, 503  
 Weights and Measures, Regulation Bill, 41-42

**Boards of Trade**

Incorporation, 64

**Bodwell, Ebenezer Vining (L—Oxford South, Ontario)**

Agricultural industry, 24, 55-56  
 Canadian Pacific Railway Bill, 362  
 Committee of Supply, 437  
 Custom duties, 302-303  
 Dual Representation Bill, 340-341, 419-420  
 Elections, 293-294  
 Emigration agents, employees, 429  
 House of Commons, 104  
 Intercolonial Railway, 43, 64-65, 321-323  
 Judges Salaries Bill, 500  
 North Shore railway, 437  
 Parliament, 318  
 Treaty of Washington, 1871, Bill, 196, 199-200

**Bolton, John (L—Charlotte, New Brunswick)**

Committee of Supply, 437-438, 465  
 Education, 321, 377  
 Emigration agents, employees, 428  
 Emigrants to Canada, 430-431  
 Fisheries, 100, 217  
 Harbours, 347, 465  
 Houlton Branch Railway Company Shareholders Bill, 344  
 Intercolonial Railway, 67, 323  
 Lumber, 466  
 Machias Seal Island, 53  
 Mail services, 494  
 Manitoba, election, contested, 3  
 Meteorological observatories, reports, 296  
 New Brunswick, 321, 377  
 North Shore Railway, 437  
 Public Buildings, 438  
 Representation in the Commons Readjustment Bill, 405-406  
 Seamen, 295, 412  
 Tea and coffee duties, 492  
 Treaty of Washington, 100  
 Treaty of Washington, 1871, Bill, 267  
 Trinity House, 465

**Bossé, Judge**

Petition of P. Tetu respecting Hon. Mr. Justice Bossé.  
 M. (Fournier), 318  
 M. (Geoffrion), 347  
 Residence of Judge Bossé, M. (Fournier), carried, 17-18  
 Return tabled, 153  
 Government intention, 41, 483

**Bourassa, François (L—Saint-Jean, Québec)**

Richelieu River, 73

**Bowell, Mackenzie (C—Hastings North, Ontario)**

Committee of Supply, 457-458  
 Indian lands, 503  
 Militia and defence, 457  
 Ontario, 496  
 Representation in the Commons Readjustment Bill, 487  
 Streams and Rivers Navigation Protection Bill, 334  
 Treaty of Washington, 1871, Bill, 196  
 Wimbledon, 458



**Bown, John Young (C—Brant North, Ontario)**

Central Railway Company of Manitoba Bill, 83  
 Interim Parliamentary Elections Bill, 507-508  
 Manitoba North Western Railway Bill, 83  
 Petitions, 83  
 Private Bills, 83

**Bras d'Or Lake**

Canal, 63

**Bridges Bill**

Introduction, 413  
 2<sup>nd</sup> reading, 464  
 Committee of the Whole, 464  
 3<sup>rd</sup> reading, passed, 464  
 Royal Assent, 519

**British America Assurance Act (amdt.) Bill**

2<sup>nd</sup> reading, 289  
 Committee, 289  
 3<sup>rd</sup> reading, passed, 289  
 Royal Assent, 518

**British Columbia**

Acts, extension, committee resolution, 489  
 Admission to confederation, 5-7, 90  
 Duties, customs and excise, Committee of the Whole, resolution, 469  
 Elections, 18  
 Fortification, Victoria, 54  
 Indian affairs, administration, 40, 498  
 Justice, administration, supply item, 307  
 Postal services, 64  
 Protection by armed vessel, 40  
 Weights and Measures, 73

**British Columbia Navigation Laws Extension Bill**

Introduction, 489  
 1<sup>st</sup> reading, 489  
 2<sup>nd</sup> reading, 3<sup>rd</sup> reading, passed, 506  
 Royal Assent, 520

**British North America Act**

Jurisdiction, 75-76

**Brousseau, John-Docile (C—Portneuf, Québec)**

Printing, Joint Committee, 31  
 Treaty of Washington, 105

**Brown, James (C—Hastings West, Ontario)**

Central Railway Company of Manitoba, 482  
 Committee of Supply, 457  
 Militia and Defence, 457  
 Patents of Invention (amdt.) Bill, 460

**Bureau of Immigration**

Agents, employees, M. carried, 102

**Burpee, Charles (L—Sunbury, New Brunswick)**

Baie Verte Canal, 275  
 Superannuation Fund, 349

**C****Cameron (C—Inverness, Nova Scotia)**

Inverness County Polling Lists Bill, 352, 439

**Cameron, Hon. John Hillyard (C—Peel, Ontario)**

Banks and banking, 38  
 Bills of Exchange and Promissory Notes Bill, 285, 445  
 Canadian Railway Equipment Company Bill, 279  
 Committee on Privileges and Elections, 273  
 Dangerous Weapons Carrying Law Extension Bill, 440  
 Detroit River Tunnel Bill, 279  
 Dominion Board of Arbitrators, 494  
 Elections, 199  
 Great Western Railway Extension Bill, 459  
 House of Commons, 459, 504  
 Insolvency Laws Repeal Bill, 58, 71  
 Interim Parliamentary Elections Bill, 507  
 Johnson, Hon. Mr. Justice F. G. Lieutenant-Governor of Manitoba (appointment), 109  
 Larceny of Stamps Bill, 49  
 Macdonald, Hon. John Sandfield, 413  
 Mail Printing and Publishing Company Bill, 278  
 Manitoba, 63, 285  
 McKay, Angus C. (C-Marquette, Manitoba), 273  
 Offences against the Person (amdt.) Act, 506  
 Ontario Shipping and Forwarding Company Bill, 185  
 Representation in the Commons Readjustment Bill, 486  
 Seamen, 412  
 Ships and vessels, 57-58  
 Treaty of Washington, 1871, Bill, 160, 204-209

**Cameron, Malcolm Colin (L—Huron South, Ontario)**

Committee of Supply, 458  
 Insolvency Laws Repeal Bill, 61  
 Patents of Invention Act (amdt.) Bill, 459  
 Representation in the Commons Readjustment Bill, 403-406, 471-472, 477  
 Treaty of Washington, 1871, Bill, 225

**Campbell, Hon. Stewart (C—Guysborough, Nova Scotia)**

Indians, 503  
 Treaty of Washington, 1871, Bill, 242-244

**Canada Agricultural Insurance Company Bill**

See Agricultural Insurance Company of Canada Bill

**Canada and New York Bridge and Tunnel Company Bill**

Introduction, 217  
 2<sup>nd</sup> reading, 482  
 Committee, 482  
 3<sup>rd</sup> reading, passed, 482  
 Royal Assent, 519

**Canada and Newfoundland Sealing and Fishing Company Bill**

Introduction, M., 99  
 2<sup>nd</sup> reading, passed, 279  
 Committee, passed, 279  
 Royal Assent, 517

**Canada Central Railway Company Bill**

3<sup>rd</sup> reading, passed, 454  
 Royal Assent, 519

**Canada Improvement Company Bill**

Introduction, 1<sup>st</sup> reading, 331  
 3<sup>rd</sup> reading, passed, 454  
 Royal Assent, 519

**Canada Shipping and Forwarding Company Bill**

*See* Ontario Shipping and Forwarding Company Bill

**Canada-United Kingdom**

Fenian Raids, claims, positions, 140-151, 190

Loan guarantee, 88-91, 141

**Canada-United Kingdom**

Loyalty, support, 20-21, 191

Property transferred to Dominion, 514-515

Relations, 7-8, 94-95, 190-192, 224

Trade, ranking, 90

Treaties with foreign powers, Confederation Act 1867, 178, 180, 187, 192, 244, 264

Treaty of Washington, ratification, non-ratification, 87, 115-139, 190, 195-196, 199-205, 208-209, 228-230, 232, 235, 241-242, 256-257, 264

**Canada-United States**

Boundary line, survey, 294, 498

**Canadian and European Telegraph Company Bill**

Introduction, and 1<sup>st</sup> reading, 185

2<sup>nd</sup> reading M. (Fortier), 347

Carried, 347

Committee, passed, 347

3<sup>rd</sup> reading, passed, 347

Royal Assent, 518

**Canadian Hansard**

*See* House of Commons – Debates

**Canadian Loan and Agency Company Bill**

2<sup>nd</sup> reading, 289

Committee, 289

3<sup>rd</sup> reading, passed, 289

Royal Assent, 518

**Canadian Pacific Railway Incorporation Act**

Introduction, 83

Acts of incorporation, Report of Railway Committee, 459

2<sup>nd</sup> reading, passed, 463

Committee, passed, 463

3<sup>rd</sup> reading, passed, 463

Royal Assent, 519

*See also* Pacific Railway

**Canadian Pacific Railway Bill**

Introduction, 113

Committee, resolutions

Discussion, adoption, 160-169

Ontario lands grant, 160

Committee of the Whole report, resolutions, 308

Amendments

M. (Cartier), 308

Adopted, 312

M. (MacDonald, Donald A.), 312

Negatived on division, 312

M. (Mackenzie, Hon. Alexander), 313

Negatived on division, 313

M. (Young), 313

Negatived, on division, 314

Costs, surveys, land grants, route, discussion, 308-314

**Canadian Pacific Railway Bill—Cont.**

Concurrence, 314

2<sup>nd</sup> reading, 353

Committee of the Whole

Amendment, M. (Cartier), 353

Adopted, 356

Amendment to amendment, M. (Wright, Alonzo), 354

Amendment to amendment M. (Blake), 355

Lost on division, 356

Amendments (M. Cartier), 357-358, 365

Reported with amendments, 365

Concurrence, 387-389

M. report not concurred in (Cartier), 388

Carried, 389

Committee of the Whole, 388

Reported with amendments, 389

Concurrence, 391

Amendment, M. (Blake), 391

Lost on division, 391

Amendment, M. (Dorion), 392

Lost on division, 392

Amendment, M. (Mackenzie), 393-394

Lost on division, 397

Amendment M. (Mackenzie), 397-398

Lost on division, 398

Amendment, M. (Wood), 399

Lost on division, 399

Voting mistake, 392, 401

Report received, 399

3<sup>rd</sup> reading, 406

Amendment M. (Wood), 406

Lost on division, 406

M. (Mills), 407

Passed on division, 407

Amendments from Senate, passed, 500

Royal Assent, 519

**Canadian Railway Equipment Company Bill**

Introduction, 47

2<sup>nd</sup> reading, 279

Committee, passed, 279

3<sup>rd</sup> reading, passed, 279

Royal Assent, 518

**Canal Commission “Alabama claims”**

Report, recommendations, 47

**Canals**

Carillon and Chute à Blondeau, 499

Construction, expenditure, 499-500

Amendment, (McConkey), 499-500

Ruled out of order, 500

Depth, 499

Expansion, 1-2, 6, 28, 47, 91, 181, 432-437

Lake Erie, engineering reports M. (McCallum), 291

Carried, 293

Resolutions, 432

1<sup>st</sup> reading, 437

2<sup>nd</sup> reading, 437



**Canals—Cont.**

- Adopted without amendment, 437
- Ottawa canal system, proposed expenditures, 293, 499
- See also* Individual canals

**Carling, Hon. John (C—London, Ontario)**

- Canada and New York Bridge and Tunnel Company Bill, 217, 482
- Niagara River, railway bridge and tunnel, petition, 153

**Carmichael, James William, (L—Pictou, Nova Scotia)**

- Committee of Supply, 438
- Education, 379
- New Brunswick, 379
- Public Buildings, 438
- Representation in the Commons Readjustment Bill, 477-478

**Carter, Edward (C—Brome, Quebec)**

- Accident Insurance Company of Canada Bill, 390
- Address in Reply to Governor General's Speech, 6
- Debtors and Creditors Bill, 469, 507
- Preferential Creditors Bill, 105
- Reference, introduction to House, 2
- Stolen Goods Advertisements Law Amendment Bill, 440

**Cartier, Hon. Sir George-Étienne (C—Montréal-Est, Québec; Minister of Militia and Defence)**

- Bossé, Judge, 1, 347
- British Columbia, 40, 54
- Canadian Pacific Railway, 47, 308-311, 353-355, 357-358, 361-365, 459
- Canadian Pacific Railway Bill, 113, 160-168, 308-311, 353-355, 357-358, 361-365, 387-389, 391, 394, 398, 406-407
- Committee of Supply, 437-438, 445-447, 453-458, 465
- Committee on Railways, 459
- Controverted Elections Bill, 338
- Debts, Ontario, Quebec, return submitted, 139
- Dominion Notes Act (amdt.) Bill, 157
- Dominion police, supply item, 307
- Dual Representation Bill, 415, 418-419, 422
- Education, 76-77, 297-298, 321, 373, 384
- Fenian Raids, 41, 142-143
- Fort Coteau du Lac, 482
- Grand Trunk Railway Company, 483
- Houlton Branch Railway Company Shareholders Bill, 345, 347
- House of Commons, 104, 140, 154, 199, 513
- Immigration Law amendment Bill, 286
- Insolvency Laws Repeal Bill, 70, 280
- Johnson, Hon. Mr. Justice F. G., 107, 109, 450-451, 453-454
- Judges, 17-18, 107, 275-276
- Justice, administration, supply item, 307
- Knitting Machine and Loom, Patent Bill, 463
- Lévis, 106
- Liquors, intoxicating, 333
- Macdonald, Hon. John Sandfield, 414
- Manitoba, 3, 305, 315, 515
- Masters of vessels, 274
- Military property, 483
- Militia and defence, 140, 453-458
- Militia and Defence Department, 305
- Militia Department, 33

**Cartier, Hon. Sir George-Étienne (C—Montréal-Est...—Cont.)**

- Montreal Grand Trunk and Lake Champlain Railroad Co. Incorporation Bill, 83
- New Brunswick, 76, 297-298, 321, 373, 384
- North West Territory, 315
- Parliament, 483
- Police, dominion, 307
- Preferential Creditors Bill, 105
- Public Buildings, 438
- Public Lands of the Dominion Bill, 462
- Quebec, 515
- Quebec Pacific Railroad Company Bill, 508-509
- Railway Committee, 500
- Redistribution of seats, 139
- Representation in the Commons Readjustment Bill, 404, 484-485
- Returning Officers for the next Elections Bill, 444
- Roads, 462
- Seamen, 412
- Statutes of Canada Act (amdt.) Bill, 105
- Superannuation Fund, 104, 112-113, 349
- Treaty of Washington, 105-106, 139
- Treaty of Washington, 1871, Bill, 239-242
- Trinity House, 465
- War material, 415
- Wimbledon Team, 43, 458

**Cartwright, Richard John (L—Lennox, Ontario)**

- Banks and banking, 48
- Canadian Pacific Railway Bill, 388
- Committee of Supply, 454
- Dominion Notes Act (amdt.) Bill, 39, 157
- Emigrants to Canada, 431
- Expenditures, deficits, 93-94
- Fenian Raids, 101, 140-143
- Lake Superior and Winnipeg Railway Incorporation Bill, 331
- Militia and Defence Department, 454
- Representation in the Commons Readjustment Bill, 405, 470
- Streams and Rivers Navigation Protection Bill, 333-334
- Treaty of Washington, 105

**Caughnawaga Ship Canal Act (amdt.) Bill**

- Introduction, 47
- 2<sup>nd</sup> reading, M. (Shanly), 278
- Carried, 278
- 3<sup>rd</sup> reading, passed, 278
- Royal Assent, 517

**Cayley, Hon. Michael (C—Beauharnois, Québec)**

- Beauharnois Canal, 499

**Census**

- Dawson route emigrants, 289
- Expenses, M. (Stirton), withdrawn, 43
- 1871 Expenditure, supplementary estimates, 428
- Returns, copies, 19
- Decennial Parliament, readjustment of representation, 2

**Central Bank of New Brunswick Bill**

- Introduction, 469
- 1<sup>st</sup> reading, 469
- 2<sup>nd</sup> reading, 490

**Central Bank of New Brunswick Bill —Cont.**

Committee, report, 490  
 3<sup>rd</sup> reading, passed, 490  
 Royal Assent, 519

**Central Railway Company of Manitoba Bill**

Introduction, 83  
 2<sup>nd</sup> reading, 482  
 Committee, 482  
 3<sup>rd</sup> reading, passed, 482  
 Royal Assent, 519

**Chamber of Commerce of Lévis Bill**

*See* Lévis Board of Trade Bill

**Chatham Board of Trade incorporation Bill**

Introduction, 289  
 2<sup>nd</sup> reading, 444  
 Committee, 444  
 3<sup>rd</sup> reading, passed, 444  
 Royal Assent, 519

**Chauveau, Hon. Pierre-Joseph-Oliver (C—Québec (Comté), Québec)**

Agriculture Department, 306  
 Anticosti Company Bill, 443  
 Education, 320-321, 372-373, 382  
 Emigrants to Canada, 430  
 Fish, 42  
 House of Commons, 504  
 Immigration Law amendment Bill, 286  
 Insolvency Laws Repeal Bill, 280  
 Interim Parliamentary Elections Bill, 507-508  
 Judges, 275, 277  
 Knitting Machine and Loom, Patent Bill, 83, 462-463, 481  
 Lumber, 332  
 Macdonald, Hon. John Sandfield, 413  
 National Party (Parti national), 97  
 New Brunswick, 320-321, 372-373, 495  
 Patents of Invention Act (amdt.) Bill, 459-461  
 Private Bills, Remittance of fee to J.E. Archer, 505  
 Quebec Board of Trade, 105  
 Representation in the Commons Readjustment Bill, 479  
 Returning Officers for the next Elections Bill, 444  
 Seamen, 412  
 Senate, 82  
 St. Felix Parish, detachment from County of Portneuf (amdt.) Act, 105  
 Stolen Goods Advertisements Law Amendment Bill, 440  
 Treaty of Washington, 1871, Bill, 248

**Chipman, Leverett de Veber (L—Kings, Nova Scotia)**

Intercolonial Railway, 323  
 Nova Scotia, 439  
 Nova Scotia Electric Telegraph Company, 101  
 Windsor and Annapolis Railway, 439

**Civil servants**

Employees, information requested, 99  
*See also* Superannuation Fund

**Civil Service**

Appointments, new, 445

**Civil Service Act (amdt.) Bill**

2<sup>nd</sup> reading, 286  
 Committee, passed, 286  
 Royal Assent, 517

**Claims against Vessels Recovery Bill**

Introduction, 1<sup>st</sup> reading, 351

**Coal**

Export to United States, duty free, 122-123

**Cockburn, Hon. James (C—Northumberland West, Ontario)**

*See* Speaker

**Coffin, Thomas (L—Shelburne, Nova Scotia)**

Committee of Supply, 437, 466  
 Custom duties, 348  
 North Shore Railway, 437  
 Treaty of Washington, 1871, Bill, 215  
 Trinity House, 466

**Colby, Charles Carroll, (L-C—Stanstead, Québec)**

Agricultural Insurance Company of Canada Bill, 390  
 Education, 369-371, 379, 383  
 Insolvency Laws Repeal Bill, 44, 50-51, 60, 69-70, 109, 111, 279  
 New Brunswick, 369-371, 379, 383  
 Patents of Invention Act (amdt.) Bill, 459-460

**Collingwood Harbour**

Breakwater, 274  
 Expenditure, 498  
 Tonnage duties, 469

**Collingwood Port Harbour Dues Bill**

2<sup>nd</sup> reading, 3<sup>rd</sup> reading, passed, 506  
 Royal Assent, 520

**Colonization Emigration Committee**

First Report, 105

**Committee of Supply**

Estimates, concurrence, M. (Hincks), 389  
 Items, 437-438  
     Passed with *proviso*, 438  
 Items, 445-447, 453-454, 465  
 Reports, 488, 493  
     Concurrence, 494  
 Resolutions, 82  
 Resolutions, 304-307  
 Resolutions, 427-431  
     Adopted, 431, 493

**Committee on Railways**

Pacific Railway acts of incorporation, report, 459

**Committees, Parliamentary**

Select Standing Committees, 2  
 Selection Committee, M. (Macdonald, Sir John A.), 15

**Confederation Act**

Terms, 9

**Connell, Hon. Charles (L—Carleton, New Brunswick)**

Committee of Supply, 446  
 Education, 320, 377-378  
 New Brunswick, 320, 377-378



**Connell, Hon. Charles (L—Carleton...—Cont.)**

- Tea and coffee duties, 491
- Treaty of Washington, 209-212

**Controverted Elections Bill**

- 2<sup>nd</sup> reading M.(Blake), 335-337
- M. (Macdonald, Sir John A.), 337
- Carried, on division, 339
- Discussion, 337-339
- Withdrawn, 339

**Copyright**

- Committee, M. (Hincks, Sir Francis)
- Carried, 469
- Resolutions, 484
- 1<sup>st</sup> reading and 2<sup>nd</sup> reading, 484

**Copyright Act**

- See* Imperial Copyright Act

**Copyrights Amendment Bill (Senate)**

- 1<sup>st</sup> reading, 454
- Committee, reported with amendments, 500
- 1<sup>st</sup>, 2<sup>nd</sup> reading, 500
- Senate amendments, concurrence, carried, 508
- Reserved, 520

**Costigan, John (C—Victoria, New Brunswick)**

- Dual Representation Bill, 47, 339-340, 350, 415-416, 420, 423
- Education, 76-77, 297, 321, 368, 371-372, 384
- Indian lands, 367
- New Brunswick, 77, 297, 321, 368, 371-372, 384
- Returning Officers for the next Elections Bill, 443

**Coté, Charles**

- Award by arbitrators, non-payment, Correspondence M. (Fournier), carried, 103

**Coteau and Province Line Railway and Bridge Company Bill**

- Introduction and 1<sup>st</sup> reading, 153
- 2<sup>nd</sup> reading, 444
- Committee, 444
- 3<sup>rd</sup> reading, passed, 444
- Royal Assent, 518

**Court of Appeal**

- Cases, number M. for statement (Dorion), 30

**Crawford, John Willoughby (C—Leeds South, Ontario)**

- Dual Representation Bill, 423
- Gananoque and Wiltsie Navigation Company Bill, 482

**Criminal Law Relating to Violence, Threats and Molestation (amdt.) Act**

- 2<sup>nd</sup> reading, 3<sup>rd</sup> reading, passed, 501
- Royal Assent, 520

**Criminal Statistics Collection Bill**

- M. (Harrison), 105
- 2<sup>nd</sup> reading, M. (Gray), 352
- Withdrawn, 352

**Cumberland, Frederick William (C—Algoma, Ontario)**

- Canadian Pacific Railway, 311
- Canadian Pacific Railway Bill, 354-355
- Dual Representation Bill, 418, 422-423

**Cumberland, Frederick William (C—Algoma...—Cont.)**

- Geological survey of Canada, 36
- Intercolonial Railway, 322
- Reference, introduction to House, 5
- Sault Ste. Marie Canal, 494
- Thunder Bay, 42

**Currency and coinage**

- American silver, withdrawn from circulation, M. (Oliver), carried, 44
- Silver coin, issuance, M. (Oliver), 44

**Currier, Joseph Merrill (C—Ottawa, Ontario)**

- Canals, 499
- Civil servants, 99
- Emigration agents, employees, 429
- Intercolonial Railway, 322
- Lumber, 100-101, 332
- Municipalities, 54
- Patents of Invention Act (amdt.) Bill, 459
- Quebec Pacific Railroad Company Bill, 53
- Streams and Rivers Navigation Protection Bill, 333
- Superannuation Fund, 349
- Treaty of Washington, 105

**Custom duties**

- Collection
- James Bay, 29
- Nova Scotia, M. (Coffin), 348
- Carried, 348
- Placing on flour, wheat, corn et cetera, not intended, 41
- Repeal of duties on tea and coffee, 153, 365, 441, 490-492
- Committee of the Whole, M. (Hincks, Sir Francis), 301-304
- Rice, repeal, amdt. (Bodwell), 302-304
- Withdrawn, 304
- Revenues, increase, 85-86
- Resolution, M. Committee of Whole House (Ross, John Sylvester), 293
- Speaker's ruling, 293

**Custom houses**

- See* Public Buildings

**Customs**

- Collection of revenue, salaries, contingent expenses, 466-467
- Merchandise seized from Joseph Hamel et Frères, correspondence, M. carried, 102
- Return tabled, 153
- Return of seizures, 412

**Customs and Excise extension to British Columbia Bill**

- Introduction, 469
- 1<sup>st</sup> reading, 469
- 2<sup>nd</sup> reading, 3<sup>rd</sup> reading, passed, 506
- Royal Assent, 520

**D****Dangerous Weapons Carrying Law Extension Bill**

- Introduction and 1<sup>st</sup> reading, 41
- 2<sup>nd</sup> reading, 439-440
- Lost, 440

**Debt**

- Correspondence, Province of Canada, surplus, division, 43

- Debt—Cont.**
- Public
  - Amount, 84, 90, 93-96
  - Raising of loans, resolution, 47
  - See also* Public Debt Bill
- Debtors and Creditors Bill**
- Copies, printing, M. (Carter), 469
  - Order discharged, 507
- De Cosmos, Amor (L—Victoria, British Columbia)**
- Agricultural industry, 55
  - British Columbia, 54
  - Canadian Pacific Railway Bill, 165, 356-357, 359-361
  - Custom duties, 304
  - Dual Representation Bill, 340
  - Exports and imports, 100
  - Geological Museum, 42
  - Geological Survey of Canada, 35
  - Judges, 408-409
  - Pacific Railway, 54
  - Reference, introduction to House, 2
- Delorme, Louis (L—Saint-Hyacinthe, Québec)**
- Boards of Trade, 64
  - Emigrants to United States, 99-100
  - Industries, 274
  - Manitoba, 274
  - Trade, 54
  - United States, 54
- Delorme, Pierre (C—Provencher, Manitoba)**
- Half-breeds, Manitoba, land grants, 73
  - Public Lands of the Dominion Bill, 462
  - Schultz, John, claims, 333
- Detroit River Railway Bridge Company Bill**
- Introduction, referral to Committee, 47
  - 2<sup>nd</sup> reading, 444
  - Committee, 444
  - 3<sup>rd</sup> reading, passed, 444
  - Royal Assent, 518
- Detroit River Tunnel Bill**
- 2<sup>nd</sup> reading, 279
  - Committee, passed, 279
  - 3<sup>rd</sup> reading, passed, 279
  - Royal Assent, 517
- Divorce Bill for the relief of John Robert Martin (Senate)**
- 1<sup>st</sup> reading, 411
  - Committee, referral, M. (Gray), 411
    - Passed on division, 411
  - Report of Special Committee, 449
  - 2<sup>nd</sup> reading, 463
    - M. (Dorion), 463
    - Carried on division, 463
- Dominion Board of Arbitrators**
- Cases, M. (McDougall), 40
  - Salaries M. (Mackenzie), 493-494
  - Lost on division, 494
- Dominion Notes Act (amdt.) Bill**
- Introduction, 1<sup>st</sup> reading, 49
  - Amendment proposed, 38
  - Committee of the Whole, 38-40, 47
    - Report, 97
  - 3<sup>rd</sup> reading, M. (Hincks, Hon. Sir Francis), 155
    - Carried on division, 159
    - Amdt. (Holton), 155
      - Negativated on division, 155-156
    - Amdt. (Young), referral back to Committee of the Whole, 156-158
      - Negativated on division, 158
    - Amdt. (Gibbs), 158
      - Negativated on division, 158-159
    - Passed, 159
  - Royal Assent, 517
- Dominion Trust Company Bill**
- Introduction, 217
  - 2<sup>nd</sup> reading, 443
  - Committee, 443
  - 3<sup>rd</sup> reading, passed, 443
  - Royal Assent, 519
- Dominion Waterworks Company Bill**
- 2<sup>nd</sup> reading, 279
  - Committee, 289
    - Amendment (Blake), 289
  - Concurrence of amendments made in Committee of the Whole M. (Wood), 343
    - Carried, 343
  - 3<sup>rd</sup> reading, passed, 374
  - Royal Assent, 518
- Dorion, Hon. Antoine Aimé (L—Hochelaga, Québec)**
- Anticosti Company Bill, 443
  - Ballot Bill, 441
  - Canadian Pacific Railway, 313
  - Canadian Pacific Railway Bill, 392
  - Court of Appeal, 30
  - Debt, 43
  - Divorce Bill for the relief of John Robert Martin (Senate), 463
  - Dual Representation Bill, 420
  - Education, 298-299, 321, 379, 384
  - Insolvency Laws Repeal Bill, 280
  - Johnson, Hon. Mr. Justice F. G., 107, 451-452
  - Judges, 107, 275-277
  - Macdonald, Hon. John Sandfield, 413
  - New Brunswick, 298-299, 321, 379
  - Queen's Counsel, 317
  - Receivers General, 305
  - Representation in the Commons Readjustment Bill, 405, 479
  - Returning Officers for the next Elections Bill, 442-444
  - Superannuation Fund, 112
  - Treaty of Washington, 105
  - Treaty of Washington, 1871, Bill, 175, 244-247, 266
- Drew, George Alexander (C—Wellington North, Ontario)**
- Hudson's Bay Company, 367
  - Justices of the Peace Duties Amendment Bill, 483
  - Red River Rebellion, 367, 415



**Dual Representation Bill**

- Introduction, 47
- 2<sup>nd</sup> reading, M. (Mills), 334
  - Amendment M. (Bellerose), 334-335
    - Carried on division, 335
  - Withdrawn, 335
- M. (Costigan), 339-340
  - Amendment (Geoffrion), 340-341
    - Negated on division, 340
  - Carried on division, 341
- Committee, 350, 415-425
  - M. (Costigan), 350, 415
    - Carried, 416
  - M. (Wood), 350
    - Carried, 350
  - M. (Blake), 416-419
    - Negated on division, 419
  - M. (Bodwell), 419-423
    - Lost on division, 423
  - M. (Geoffrion), 423
    - Negated on division, 423
- 2<sup>nd</sup> reading, carried, 423
  - M. amendment M. (Geoffrion), 423-424
    - Negated on division, 424
- Point of order (Mills), 424
- 3<sup>rd</sup> reading M. (Costigan), 423
  - Passed, on division, 424
- Royal Assent, 519

**Dugas, Firmin (C—Montcalm, Québec)**

- Reference, introduction to House, 15

**Duties of Customs on Tea and Coffee Bill**

- See* Tea and Coffee Duties Repeal Bill

**E****Education**

- Act of Union, jurisdiction, 75-76, 367-385
- School Law, New Brunswick, 74-77, 297-299, 318-321, 367-385
- Separate School Bill, 373

**Election Act**

- Amendment, Introduction, 488

**Elections**

- Ballots, polls, 73, 449
- Controverted, trial, 18
- Double returns, resolution M., 199
- Dual representation, 47
- Lists, Nova Scotia, revisors, remuneration, 275
- Manitoba, contested, 3, 18, 33, 63
- Numbers of votes polled, British Columbia and Manitoba, comparison with last census, M. (Bodwell), 293-294
- Quebec, subdivisions, correspondence (Fournier), 296
- See also* Controverted Elections Bill
- Dual Representation Bill
- General Election Bill

**Electoral districts**

- Dunn township added to County of Monck, 481

**Emigration Act of 1869 (Amdt.) Bill**

- See* Immigration Act of 1869 (amdt.) Bill

**Emigration agents, employees**

- Salaries, supplementary estimates, 428-429

**Emigrants to Canada**

- Expenses, assistance, 430-431
- Provinces, grants, aid, 430-431
  - Financial aid, 437-438
- Carried on division, 438

**Emigrants to United States**

- Government position, 99-100

**England**

- Defence of Canada in case of war, 118

**Estimates**

- Agenda, 385
- Revenue, anticipated, 84-86, 91-92
- Supplemental (1873), 53
- Supplementary Estimates, 427-431
- Messages concerning, referral to Committee of the Whole House, 83
- Public service, message from the Governor General, 427
- Resolutions, adoption, 431

**European and American Telegraph Company**

- Charter, extension, petition, 73

**European and North American Railway**

- Expenditures, 438, 498

**Exchange Bank of Canada Bill**

- Introduction and referral to Committee, 58
- 2<sup>nd</sup> reading, 189
- Committee, 278
- 3<sup>rd</sup> reading, passed, 278
- Senate amendments, 414
- 3<sup>rd</sup> reading, passed, 414
- Royal Assent, 518

**Expenditures**

- Increase, 91-93, 95-96

**Export duty**

- Abolition, 53

**Exports and imports**

- Charges on bonded items, fees, 100
- Values, 89

**F****Fenian Raids**

- Claims, 207, 221-223, 242, 249, 251, 268
- Despatches and correspondence, 174
  - M. (Mackenzie), 30, 73
- England
  - Comparison of position in other cases, (Abyssinia, Greece), 173, 179, 206-207, 222
  - Guarantee for portion of loan, 87, 88-91, 92-93, 132-133, 137, 141-143, 147, 174-175, 202, 207-209, 216, 237, 245, 258, 265-266
  - Reparation, payment, 41, 118, 130-131, 140-147, 182, 197, 215-216, 218-219, 246, 249
  - Resolutions, Committee of the Whole, 101

**Fenian Raids—*Cont.***

- Committee, consideration of Resolutions M. (Cartwright), 140-147
- Seconded (Ross, Walter), 140, 142
- Amdt. (Harrison), 145, 149
  - Passed on division, 151
- Amdt. to amdt. (Blake), 148-149
  - Negatived on division, 151
- Correspondence between Lieutenant Governor Archibald, and
  - Louis Riel, M. (Mackenzie), 16-17
- Fisheries clauses, 73, 174, 222
- United States government not preventing, 141, 144, 173, 179-180, 220-221

**Ferguson, Thomas Roberts (C—Cardwell, Ontario)**

- Agricultural industry, 56-57
- Canadian Pacific Railway, 310-311
- Canadian Pacific Railway Bill, 162-163, 396-397
- Canals, 500
- Custom duties, 302
- Dual Representation Bill, 421-422
- Huron and Lake Erie Canal Company, 99
- Immigration Law amendment Bill, 286-287
- Independence of the Senate Bill, 328
- Insolvency Laws Repeal Bill, 60
- Justices of the Peace Duties Amendment Bill, 483
- Larceny of Stamps Bill, 49
- Manufacturing, 20
- Ontario, 495-496
- Representation in the Commons Readjustment Bill, 478, 487
- Toronto Corn Exchange, 99
- Treaty of Washington, 105

**Finance Department**

- Supply item, 305

**Financial statement**

- 1871-1872, 83-90
- Remarks, 90-96

**Fire engines, steam**

- Tariff propositions, papers, M. (Stephenson), carried, 103

**Fish**

- Exports
  - Duties, 100, 122, 124, 230
  - Letter from Hon. Mr. Campbell, minister of Marine and Fisheries, 47
  - Quantity, and value, M. (Fortin), 43
- Imports of fish and fish oil produced in United States, duty free, Treaty of Washington, 100, 115, 194, 215, 228, 240, 249
- Inland, 41
- North of Quebec, 42
- Regulation, inspection, 139

**Fisheries**

- Joint High Commission
  - Appointment, 63
  - Copies of Reports, M. (Blake), 30, 44
  - Members, 170
- Licensing system, 117, 189, 193, 220
- Officers, 28
- Overseers, salaries, 465
- Protection, 100, 117, 217

**Fisheries—*Cont.***

- Treaty of Washington
  - Correspondence, 73, 174
  - England, protection, 87, 211, 221
  - Articles in Treaty Inshore waters of Canada, American fishermen, 115, 120-126, 135, 169-173, 188-189, 194-195, 209-215, 218, 224-235, 238-239, 242-423, 247-250, 253-260, 266-268, 274
  - Reciprocity with United States, 122-123, 169, 171-172, 212-214, 224

**Forbes, James Fraser (L—Queens, Nova Scotia)**

- Bank of Acadia Bill, 115, 319

**Foreigners, naturalization**

- Correspondence between Imperial and Canadian Governments, M. (Young), 290
- Withdrawn, 291

**Fort Coteau du Lac**

- Correspondence carried, 483
- Property rights, Court, 482

**Fort Garry**

- Emigrants, expense M. (Stirton), 43

**Fort Garry and Lake Superior Railway Company Bill**

- See* Lake Superior and Fort Garry Railway Bill

**Fortifications**

- Building, 88

**Fortier, Moïse (L—Yamaska, Québec)**

- Canadian and European Telegraph Company Bill, 347
- Fish, 139

**Fortin, Pierre (C—Gaspé, Québec)**

- Canadian and European Telegraph Company Bill, 185
- Fish, 43
- Pilots, 483
- Treaty of Washington, 1871, Bill, 250-251

**Fournier, Télesphore (L—Bellechasse, Québec)**

- Bossé, Judge, 17, 41, 43, 318, 483
- Coté, Charles, 103
- Elections, 296
- Harbours, 273
- Johnson, Hon. Mr. Justice F. G. Lieutenant-Governor of Manitoba (appointment), 415
- Judges, appointment of resident (correspondence), 275
- Militia and defence, 494
- Post Offices, 63
- Quebec, 411
- Representation in the Commons Readjustment Bill, 479
- Returning Officers for the next Elections Bill, 185, 442
- Wharves, 100, 296

**Franking privileges**

- Return, requested, 139, 289

**Fraser River, British Columbia**

- Navigation, removal of rock, 42

**Fraudulent Marking of Merchandise (amdt.) Bill**

- 2<sup>nd</sup> reading, 97
- Committee, passed, 285
- Committee, 365
- Adopted with amendments, 365



**Fraudulent Marking of Merchandise (amdt.) Bill —Cont.**

- 3<sup>rd</sup> reading, passed, 387
- Royal Assent, 518

**Fugitive Criminals Bill**

- Introduction, 105
- Order discharged, 507

**G****Galt, Hon. Sir Alexander Tilloch (C—Sherbrooke, Québec)**

- Canadian Pacific Railway Bill, 161-162, 392, 395, 398
- Fenian Raids, 145-146
- Financial statement, 92
- Insolvency Laws Repeal Bill, 279
- Manitoba Junction Railway Co. Bill, 115
- San Juan, 139, 186-187
- Treaty of Washington, 92, 145
- Treaty of Washington, 1871, Bill, 189-192

**Gananoque and Wiltsie (Bristol) Navigation Company Bill**

- Introduction, 1<sup>st</sup> reading, 315
- 2<sup>nd</sup> reading, 482
- Committee, 482
- 3<sup>rd</sup> reading, passed, 482
- Royal Assent, 520

**Gaudet, Joseph (C—Nicolet, Québec)**

- Rivers, 290

**General Election Bill**

- 2<sup>nd</sup> reading,
  - M. (Blake), 324
  - Carried on division, 324

**Geoffrion, Félix (L—Verchères, Québec)**

- Bossé, Judge, 347
- Dual Representation Bill, 340-341, 423-424
- Houlton Branch Railway Company Shareholders Bill, 346
- Senate, 77

**Geological investigations**

- Report, tabled, 367

**Geological Museum**

- British Columbia, no appropriation, 42

**Geological Survey of Canada**

- Appropriation, 29, 34-37
- Consolidated Revenue Fund of Canada, resolution M. (Howe), 34, 37
- Amendment M. (Mills), 35
- Withdrawn, 37
- Concurrence, 47
- Collection, museum, 35-36
- Reports, printing, 34-35
- Staff, 29, 34-35

**Geological Survey of Canada Bill**

- Introduction, 47
- 2<sup>nd</sup> reading, 97
- Committee, passed, 285
- 3<sup>rd</sup> reading, passed, 307
- Recommitted, M. (Macdonald, Sir John A.), 307

**Geological Survey of Canada Bill—Cont.**

- Amended and reported, 307
- Royal Assent, 517

**Gibbs, Thomas Nicholson (C—Ontario South, Ontario)**

- Anchor Marine Insurance Company Bill, 153, 320
- Banks and banking, 49
- Canadian Loan and Agency Company Bill, 289
- Canadian Pacific Railway Company, 354, 387-389
- Custom duties, 304
- Dominion Notes Act (amdt.) Bill, 39, 156, 158
- Dominion Trust Company Bill, 217, 443
- Exports and imports, 101
- Insolvency Laws Repeal Bill, 278
- Ontario Shipping and Forwarding Company Bill, 443
- Public Accounts, Standing, Select Committee, 41, 367, 482
- Toronto Corn Exchange Association Incorporation Bill, 390
- Wesleyan Methodist Church Missionary Society Bill, 153

**Godin, François Benjamin (L—Joliette, Québec)**

- Banks and banking, 48
- Fenian Raids, 41
- Fish, 41
- Judges, 276
- Mail service, 101

**Government departments**

- Deputy Heads, Officers, money received or charged, M. (Metcalf), 43
- Pay, extra to Departmental Clerks or Officers fiscal year ending June 30, 1871, M. (Metcalf), 43

**Government Savings Bank (amdt.) Bill**

- Introduction, and 1<sup>st</sup> reading, 49
- Amendment, 47
- Committee, passed, 285
- 3<sup>rd</sup> reading, 301
- Senate, amendments, concurrence, 389
- Carried, 389
- Royal Assent, 518

**Governor General (Lord Lisgar)**

- Address to, M. (Macdonald, Sir John A.), 489
- Departure, regret, address, 489
- Seconded (Mackenzie), 489-490
- Select Committee report, 490
- Senate, sent to for concurrence, 490
- Throne Speech, April 11, 1872, opening of Parliament, 1
- Throne Speech, June 14, 1872, prorogation of Parliament, 520-521

**Grand Trunk and the Montreal and Champlain Railway Companies Bill**

- Introduction, 83
- 2<sup>nd</sup> Reading, 279
- Carried, 279
- Committee, passed, 279
- 3<sup>rd</sup> reading, passed, 279
- Royal Assent, 518

**Grand Trunk Railway and International Bridge Agreement Bill**

- Committee, report, 173
- 3<sup>rd</sup> reading, 173, passed, 173
- Royal Assent, 517

**Grand Trunk Railway Company**

Gauges, 43, 64-68, 321-323  
 Montreal harbour, negotiations, 483

**Grand Trunk Railway Company of Canada and Town of Galt Bill**

Introduction, 1<sup>st</sup> reading, 115  
 2<sup>nd</sup> reading, 279, passed  
 Committee, passed, 279  
 3<sup>rd</sup> reading, passed, 279  
 Royal Assent, 518

**Grant, James Alexander (C—Russell, Ontario)**

Baie Verte Canal, 332, 435-436  
 Canadian Pacific Railway Bill, 83, 166, 392, 401  
 Canals, 435-436  
 Geological Survey of Canada, 35-36  
 House of Commons, 140  
 Ottawa Canal, 436  
 Treaty of Washington, 1871, Bill, 269  
 Welland Canal, 436

**Gray, Hon. John Hamilton (C—St. John (City & County), New Brunswick)**

Baie Verte Canal, 483  
 Ballot Bill, 441  
 Criminal Statistics Collection Bill, 352  
 Dangerous Weapons Carrying Law Extension Bill, 440  
 Divorce Bill for the relief of John Robert Martin (Senate) 411, 449, 463  
 Dual Representation Bill, 340  
 Education, 76, 299, 318-320, 383  
 Elections, 449  
 Fenian Raids, 28, 146-147  
 Houlton Branch Railway Company Shareholders Bill, 153, 343, 345-346, 454, 482  
 Insolvency Laws Repeal Bill, 109, 280-281  
 Lake of the Woods, 41  
 New Brunswick, 76, 318-320, 383  
 Offences against the Person (amdt.) Act, 506  
 Ontario, 41  
 Patents of Invention Act (amdt.) Bill, 460  
 Quarantine, 429  
 Schooner "C.H. Horton", 28, 43  
 Ships and vessels, 351  
 Stolen Goods Advertisements Law Amendment Bill, 440  
 Superannuation Fund, 349  
 Thunder Bay Silver Mines Bank Bill, 73  
 Thunder Bay Silver Mines Railway Company Bill, 482  
 Trade, 318  
 Treaty of Washington, 1871, Bill, 194-195  
 West Indies, 290, 318

**Great Western Railway Extension Bill**

2<sup>nd</sup> reading, 279  
 Committee, passed, 279  
 3<sup>rd</sup> reading, passed, 279  
 Amendments by the Senate  
 1<sup>st</sup>, 2<sup>nd</sup> readings, carried, 459  
 Royal Assent, 518

**Grenville Canal**

Locks, size, 489  
 Tenders, copies, M. (Metcalf), carried, 64  
 Return presented, 315

**Gulf of St. Lawrence**

Communication with Bay of Fundy, 2  
 Naval force, fishermen, protection, 42  
*See also* St. Lawrence River

**H****Hagar, Albert (L—Prescott, Ontario)**

Committee of Supply, 466  
 Insolvency Laws Repeal Bill, 71  
 Lumber, 466

**Half-breeds**

Manitoba, land grants, 73, 275

**Halifax Banking Company Bill**

2<sup>nd</sup> reading, 189  
 Committee, 278  
 3<sup>rd</sup> reading, passed, 278  
 Royal Assent, 519

**Halifax Harbour Master's Appointment Bill**

Introduction, 389-390  
 1<sup>st</sup> reading, 389-390  
 2<sup>nd</sup> reading, passed, 461  
 Royal Assent, 519

**Halifax, port**

Harbour master, shipping officer, appointments, 105  
 Committee, M., 353, 389-390  
 Carried, 353  
 Resolution, adopted, 389-390

**Hallen-Roberts Knitting Machine and Loom**

*See* Knitting Machine and Loom, Patent Bill

**Hamel Frères, Quebec**

Seizures of goods, 102, 153

**Hamilton and Port Dover Road**

Correspondence, M. (Thompson, David), 415  
 Carried, 415

**Hansard**

*See* House of Commons - Debates

**Harbours**

Appropriation of money by the Government, 273  
 Breakwater, Richibucto, New Brunswick, 290  
 Harbourmasters, pay, 465  
 Quebec, Gaspé and Amherst, M. negated on division, 497  
 Improvements, Antigonish, wharf at Bayfield, 274  
 Kingston, improvements, expenditure, 498  
 Lake Huron, M. (Sproat), 348  
 Carried, 348  
 Lakes Erie and Huron, expenditure, 458  
 Montreal Harbour, 414, 483  
 New Brunswick, 347  
 Port Colborne, excavation, tenders, M. (McCallum), 291



**Harrison, Robert Alexander (C—West Toronto, Ontario)**

Appeal in Criminal Cases Bill, 41, 505, 507  
 Canadian Pacific Railway Bill, 163  
 Criminal Statistics Collection Bill, 105  
 Customs duties, 41  
 Dangerous Weapons, carrying of, Bill, 41  
 Fenian Raids, 144  
 Fugitive Criminals Bill, 105, 507  
 Grand Trunk and the Montreal and Champlain Railway Companies Bill, 279  
 House of Commons, 513  
 Insolvency Laws Repeal Bill, 51, 73, 111, 185, 279-280  
 Insolvent Act of 1869 (amdt.) Bill, 506-507  
 Johnson, Hon. Mr. Justice F. G. Lieutenant-Governor of Manitoba (appointment), 108  
 Judges, 18, 277  
 Larceny of Stamps Bill, 49  
 Mail Printing and Publishing Company Bill, 41  
 Masters of vessels, 273  
 Naturalization of Anson Green Phelps Dodge Bill, 278  
 Offences against the Person (amdt.) Act, 506  
 Ships and Shipping, 58  
 Stolen Goods Advertisements Law Amendment Bill, 505-506  
 Toronto Savings Bank Bill, 199  
 Trade, 101  
 Treaty of Washington, 1871, Bill, 219-225  
 United Dominion Sugar Beet Root Growers and Manufacturers Company Bill, 237

**Hincks, Hon. Sir Francis (C—Renfrew North, Ontario; Minister of Finance)**

Address in Reply to Governor General's Speech, 10-12  
 Agricultural industry, 56  
 Agriculture Department, 305  
 Bank of Upper Canada, 41  
 Banks and banking, 31, 37-38, 42, 47-49  
 Banks and Banking Act Correction Bill, 301  
 Canadian Pacific Railway Bill, 165, 355, 358-359, 362-363, 399  
 Canals, 499  
 Committee of Supply, 82, 304, 307, 389, 427, 445, 447, 449, 465  
 Copyright, 469, 484  
 Copyrights Amendment Bill, 454, 500, 508  
 Customs duties, 41, 301-304  
 Dominion Notes Act (amdt.) Bill, 38-40, 155-158  
 Emigrants to Canada, 430  
 Estimates, supplementary, 83  
 Expenditures, deficits, 95-96  
 Fenian Raids, 28, 30  
 Finance Department, 305  
 Financial statement, 83-95  
 Fish, 139  
 Geological Survey of Canada, 36-37  
 Government Savings Bank (amdt.) Bill, 285, 389  
 Hamilton and Port Dover Road, 415  
 Hudson's Bay Company, 217, 367, 387  
 Hudson's Bay Company's Loan Amendment Bill, 407, 464-465  
 Imperial Copyright Act, 63  
 Immigration Law amendment Bill, 287

**Hincks, Hon. Sir Francis (C—Renfrew North—Cont.)**

Indian Commissioners, 498  
 Insolvency Laws Repeal Bill, 59  
 Inspection of Staple Articles laws extension Bill, 159  
 Intercolonial Railway, 492  
 Judges, 409  
 Justice Department, 305  
 Liquors, intoxicating, 333  
 Macdonald, Hon. John Sandfield, 414  
 Manitoba, 19, 41, 449  
 Manufacturing, 20  
 Municipalities, 367  
 Nova Scotia, 498  
 Pensions, 44  
 Police, dominion, 307  
 Post Office Department, 305  
 Postal services, 63-64  
 Public Debt and the raising of Loans authorized by Parliament Bill, 285  
 Receipts and expenditures, 53  
 Receivers General, 304-305  
 Red River Rebellion, 415  
 Schultz, John, 333  
 Senate, 79-80  
 St. Lawrence Navigation between Montreal and Quebec Improvement Bill, 500  
 St. Lawrence River, 445, 465  
 Streams and Rivers Navigation Protection Bill, 334  
 Subsidies, 140  
 Superannuation Fund, 103-104, 112-113, 349-350  
 Supply Bill, 500, 508, 514  
 Tariff changes, 153  
 Tea and coffee duties, 185, 301-304, 441, 490-492  
 Tea and Coffee Duties repeal Bill, 302-304, 365  
 Tea and Coffee Importation through United States Bill, 492, 508  
 Telegraph wire, 511-512  
 Throne Speech, 33  
 Toronto Savings Bank Bill, 290  
 Treasury Board, 305  
 Treaty of Washington, 1871, Bill, 171, 201-204, 245, 263  
 United States, 53  
 Ways and Means Committee, 500

**Holmes, John (L—Carleton, Ontario)**

Insolvency Laws Repeal Bill, 70  
 Militia and defence, 140  
 Treaty of Washington, 1871, Bill, 269

**Holton, Hon. Luther Hamilton (L—Châteauguay, Québec)**

Address in Reply to Governor General's Speech, 3, 11  
 Banks and Banking, 38-39  
 Canada-United Kingdom, 94  
 Canadian Pacific Railway Bill, 166, 359, 391, 394-395, 399, 406  
 Committee of Supply, 455  
 Customs, 103  
 Dominion Board of Arbitrators, 493-494  
 Dominion Notes Act (amdt.) Bill, 38-40, 155-158  
 Dual Representation Bill, 415-416  
 Emigration agents, employees, 429

**Holton, Hon. Luther Hamilton (L—Châteauguay...—Cont.)**

Fenian Raids, 30, 152  
 Geological Survey of Canada, 36  
 Harbours, 487  
 House of Commons, 104, 139, 493  
 Indian lands, 503  
 Insolvency Laws Repeal Bill, 58, 71  
 Inspection of Staple Articles laws extension Bill, 160  
 Iroquois, 103  
 Johnson, Hon. Mr. Justice F. G., 105-109, 386, 449, 451-452  
 Judges, 17-19, 106  
 Knitting Machine and Loom, Patent Bill, 462-463, 481  
 Legislation, 45  
 Manitoba, 19, 106-109  
 Manufacturing, 20  
 Militia and Defence, 455  
 Montreal Telegraph Company Powers Extension Bill, 173, 443  
 Ontario, 496  
 Preferential Creditors Bill, 105  
 Representation in the Commons Readjustment Bill, 403, 485-486  
 Returning Officers for the next Elections Bill, 442-443  
 Ships and vessels, 57  
 Statistics, vital, 428  
 Tea and coffee duties, 185-6, 441, 491-492  
 Treaty of Washington, 33, 95, 232, 235, 237-239

**Horton, C.H.**

*See* Schooner "C.H. Horton"

**Houghton, Charles Frederick (L—Yale, British Columbia)**

Fraser River, British Columbia, 42  
 Insolvency Laws Repeal Bill, 280  
 Manufacturing, 21  
 Reference, introduction to House, 2

**Houlton Branch Railway Company Shareholders Bill**

Introduction and 1<sup>st</sup> reading, 153  
 2<sup>nd</sup> reading M. (Gray), 343-347  
 Committee, 454  
 Withdrawn, 482

**House of Commons**

Adjournment  
 M., (Cartier, Sir George-Étienne), 104  
 Carried, 104  
 M. (Macdonald, Sir John A.), 339, 385  
 Carried, 339, 385  
 Business of the House, none, 515  
 Committee of the Whole, 29, 34-37  
 Debates, Canadian Hansard, published by James Cotton, 1870-1871  
 Sessions, purchase, 512-513  
 M. (Macdonald, Sir John A.), resolved on division in the affirmative, 512-513  
 Despatch of business, M. (Macdonald, Sir John A.) 353  
 Carried, 353  
 Government days, 154  
 Journals, index, M. (Cameron, John Hillyard), 459  
 Meeting, postponement, delay, 6-7  
 Parliamentary Sessional Papers, copies, 140  
 Salaries of Officers and Clerks, 503-504

**House of Commons—Cont.**

M. (Mackenzie), carried on division, 504-505  
 Saturday session, 139, 154, 339, 353  
 Smoking within the precincts, 199  
 Votes and Proceedings, printing, 2  
*See also* Redistribution of seats  
 Representation in the Commons Readjustment Bill

**Howe, Hon. Joseph, (L—C—Hants, Nova Scotia; Secretary of State for the Provinces and Superintendent-General of Indian Affairs)**

Canada-United Kingdom, 20-21  
 Dominion Notes Act (amdt.) Bill, 157  
 Geological Investigations, 367  
 Geological Museum, 42  
 Geological Survey of Canada, 29, 34-35  
 Geological Survey of Canada Bill, 47, 307  
 Independence of the Senate Bill, 327  
 Indian Commissioners, 73  
 Indian lands, 367  
 Intercolonial Railway, 67, 296, 323  
 Johnson, Hon. Mr. Justice F. G. Lieutenant-Governor of Manitoba (appointment), 109  
 Senate, 79-80  
 Treaty of Washington, 1871, Bill, 192-194

**Hudson's Bay Company**

Customs, James Bay, collection M. (Young), 29  
 Return tabled, 153  
 Referred to Committee, objection (Hincks, Sir Francis), 217  
 Claims due to Red River insurrection, 367  
 Loan, M. (Hincks), 387  
 Resolution, Committee, 407  
 Report, 407  
 Telegraph company, price charged, 511-512

**Hudson's Bay Company's Loan Amendment Bill**

1<sup>st</sup> reading, 407  
 2<sup>nd</sup> reading, 464-465  
 Committee of the Whole, 465  
 3<sup>rd</sup> reading, passed, 465  
 Royal Assent, 519

**Huntington, Hon. Lucius Seth (L—Shefford, Québec)**

Insolvency Laws Repeal Bill, 71  
 Manufacturing, 21  
 Standing Orders, Committee, 47  
 Treaty of Washington, 1871, Bill, 177, 182-183

**Huron and Lake Erie Canal Company**

Petition, 99

**Huron and Niagara Ship Canal**

Petition presented, (Morrison), 47

**Hutchison, Hon. Richard (L—Northumberland, New Brunswick)**

Indian Commissioners, 44  
 Pensions, 43-44  
 Post Offices, 44  
 Superannuation Act, 64  
 Superannuation Fund, 103-104, 113



## I

**Immigration**

Conference, September, 1871, Ottawa, 1

**Immigration agents, employees**

See Emigration agents, employees

**Immigration Aid Societies Incorporation Act (amdt.) Bill (Senate)**

Committee, 461

3<sup>rd</sup> reading, passed, 461

Royal Assent, 519

**Immigration Law amendment Bill**

Introduction, 1<sup>st</sup> reading, 115

Committee of the Whole

Resolution M. (Pope), 186

Carried, 186

2<sup>nd</sup> reading, 287

M. (Pope), carried, 390

Committee, 408

Stand over, 408

Royal Assent, 519

**Imperial Copyright Act**

Changes, repeal, 63

**Imperial Guarantee & Loan Society Bill**

Introduction, 1<sup>st</sup> reading, 115

3<sup>rd</sup> reading, passed, 454

Amendments, concurrence, 509

Royal Assent, 519

**Independence of the Senate Bill**

2<sup>nd</sup> reading

M. (Blake), 325-326

M. (Macdonald, Sir John A.), 326-327

Carried on division, 329

**Indian Affairs**

Report of the Superintendent General, 505

**Indian Commissioners**

Northumberland, New Brunswick

Appointment, M. (Hutchison), 44

Report, 73

Northwest, salaries, 498

**Indian lands**

Selling, resolutions, M. (J. White (Hastings East)), withdrawn, 503

White settlers, titles of the lands, 367

**Indian reserves**

Sarnia, correspondence M. (Stephenson), 295

**Indians**

Enfranchisement, 507

French translation, 503

Quebec, grants, 466

**Industries**

Government, encouragement, 274

**Inland Marine and Fire Insurance Company of Canada Bill**

Introduction, 83

2<sup>nd</sup> reading, Committee of the Whole, 319

Royal Assent, 518

**Inland Revenue Service**

Salaries, revenue inspectors, officers, remuneration, 54, 467

**Insolvency Laws Repeal Bill**

Introduction, M. (Harrison), 73

2<sup>nd</sup> reading, 44, 50-51, 58-61, 68

Debate, adjournment M. (Bellerose), negated on division, 71

M. agreed to on division, 71

Referral to Banking and Commerce Committee,

M. (Cameron), negated on division, 71

Committee of the Whole

Adopted without amendment, 112

Referral, 71

Study, 109-111

Amdt. (Anglin), 110

Negated on division, 111

Amdt. (Harrison), 111

Ruled unnecessary, 111

Committee, M. (Jones, Halifax), 111

Lost, 111

Referral to Special Committee M. (Savary), ruled out of order, 110

Petitions, 73, 185

3<sup>rd</sup> reading, 279, 283

Point of order, (Harrison), 279

Ruling by the Speaker, 280

Amdt. (Jones (Halifax)), 280

Negated on recorded division, 283

Amdt. to amdt, (Gibbs), 280

Negated on recorded division, 281

Amdt. (Bellerose), 280

Negated on recorded division, 282

**Insolvent Act of 1869 (amdt.) Bill**

Introduction, M. (Harrison), 73

2<sup>nd</sup> reading, 506

Withdrawn, 506

Order discharged, 506-507

**Inspection of Staple Articles laws extension Bill**

Committee of the Whole, resolution, adoption, 97

Resolution, adopted, introduction of Bill, 159

2<sup>nd</sup> reading, 286

Committee, referral to Banking and Commerce Committee, 286

**Intercolonial Railway**

Acadian Iron Mines, branch railway construction, financial aid, 437

Branch line, construction, 40

Bridge, across Miramichi River, construction

Explanations requested, 492

M. (Jones), 29

Contractors, contracts, Section 6, 140

Correspondence respecting appointment or displacement of employee,  
M. (Smith, Hon. James), 296

Estimates on each section, copies, M. (Stirton), 291

Expenses, defrayment, supplementary estimates, 431, 492

Gauges, 43, 64-68

Resolution, Committee, M. (Bodwell), discussion, 64-68, 284, 321-323

Negated on division, 323

Loan, 84

**Intercolonial Railway—Cont.**

- McLaughlin, Laughlin, money owed, 140
- Report of Commissioners, 42-43, 74
- Survey and management, address, M. (Jones), 42
- Terminus
  - Halifax, correspondence, M. (Jones, Alfred), 295-296
    - Carried, 296
  - Lévis, Quebec, 40

**Interim Parliamentary Elections Bill**

- Introduction, 488
- 2<sup>nd</sup> reading, 507
- Committee, 507
- Amendments
  - M. (Chauveau), negatived on division, 507-508
  - Concurrence, 508
  - 3<sup>rd</sup> reading, passed, 514
- Senate, amendment, concurrence, 517
- Royal Assent, 520

**Inter-oceanic Railway Company**

- Incorporation, Act, petition, 73

**Inter-oceanic Railway Company of Canada Bill**

- Introduction, referral to Railway Committee, 83
- Passed, 463
- Royal Assent, 520

**Interest, Law of Nova Scotia, Assimilation Bill**

- Introduction, M., 99

**Internal Economy Committee**

- Hansard, arrangements for purchase, 512-513
- Printing of precedents and decisions of the Speaker from 1841 to present,
  - M. (Blanchet), carried, 503

**Inverness County Polling Lists Bill**

- 2<sup>nd</sup> reading, M. (Cameron, Hugh), 352
- Committee, 439
  - Adopted, 439
- 3<sup>rd</sup> reading, passed, 439
- Royal Assent, 519

**Iroquois**

- Chiefs, conduct at Caughnawaga, correspondence, M. (Holton), carried, 103

**Irvine, Hon. George (C—Mégantic, Québec)**

- Canadian Railway Equipment Company Bill, 47
- Controverted Elections Bill, 338
- Education, 321
- Insolvency Laws Repeal Bill, 59
- Judges, 276
- Lumber, 332
- New Brunswick, 321
- Seamen, 412
- Ships and vessels, 58

**Island of Orleans**

- Lighthouse, 106
- Navigation channel on north side of the island, 106

**Island Pond**

- Seizures, 153

**J****Jackson, George (C—Grey South, Ontario)**

- Dual Representation Bill, 340
- Immigration Law amendment Bill, 287
- Superannuation Fund, 350

**Johnson, Hon. Mr. Justice F. G. Lieutenant-Governor of Manitoba (appointment)**

- Appointment, discussion, 19, 105-109
- Instructions regarding Manitoba Claims, M. (Schultz), withdrawn, 505
- Commission, copies M. (Fournier), 415
- Complaints respecting awards made during the rebellion, petition, 273
- Salary, double, 386
  - M. (Holton), 449
    - Discussion, 449-452
    - Lost on division, 452

**Joly, Henri-Gustave (L—Lotbinière, Québec)**

- Ballot Bill, 441
- Canadian Pacific Railway Bill, 362-363
- Committee of Supply, 456
- Education, 77, 374
- Intercolonial Railway, 431
- Militia and Defence, 456
- New Brunswick, 77, 374
- Superannuation Fund, 103, 111-112, 349-350
- Trade, 93

**Jones, Alfred Gilpin (Ind—Halifax, Nova Scotia)**

- Agriculture Department, 306-307
- Intercolonial Railway, 295-296
- Insolvency Laws Repeal Bill, 109-111, 280
- Interest, Law of Nova Scotia, Assimilation Bill, 99
- Meteorological observatories, reports, 296, 307
- Porter's Lake Canal, 274
- Receivers General, 305
- Senate, 79
- Subsidies, 140
- Superannuation Fund, 103
- Treaty of Washington, 1871, Bill, 232-235

**Jones, Francis (C—Leeds North and Grenville North, Ontario)**

- Agriculture Committee, 505
- Agricultural industry, 22, 54-57
- Ballot Bill, 441
- Baxter, Thomas, 415
- Canadian Pacific Railway Bill, 161-162, 354-355, 363
- Canals, 435
- Committee of Supply, 457
- Dominion Board of Arbitrators, 494
- Dual Representation Bill, 419
- Immigration Law amendment Bill, 286-287
- Independence of the Senate Bill, 328
- Intercolonial Railway, 29, 42, 74, 322
- Larceny of Stamps Bill, 58
- Manufacturing, 21-22, 24
- Militia and Defence, 457
- Ontario, 30, 139
- Tea and coffee duties, 490-491



**Judges**

- Appeals to Privy Council, 275-276
- Appointment, 275
- Correspondence
  - Appointment of resident Judge in each Judicial District in
    - Province of Quebec, M. (Fournier), 43, 275
- Independence, 106-109
- Nova Scotia, residence, 275
- Ontario, payment, 277
- Quebec, number, appointment, salaries, 42, 276-277
- Residence, 17
- Salaries, M. (Macdonald, Sir John A.), carried, 387
  - Committee, resolutions, 408-409
    - Passed, 409
- See also* Bossé, Judge

**Judges Salaries Bill**

- 1<sup>st</sup> reading, 409
- 2<sup>nd</sup> reading, Committee, 3<sup>rd</sup> reading, passed, 500
- Royal Assent, 519

**Judges' Travelling Allowances Bill**

- 2<sup>nd</sup> reading, Committee, 3<sup>rd</sup> reading, passed, 500
- Royal Assent, 520

**Justice, administration**

- Supply item, 307

**Justice Department**

- Ordnance Lands, costs, M. (Metcalf), 43
- Salary increase, senior clerk, supply item, 305

**Justices of the Peace Duties Amendment Bill**

- 2<sup>nd</sup> reading, 483
- Withdrawn, 483

**K****Keeler, Joseph, (C—Northumberland East, Ontario)**

- Presque Isle, 100
- Salt, inspection, 28

**Killam, Frank (L—Yarmouth, Nova Scotia)**

- Education, 377
- New Brunswick, 377
- Treaty of Washington, 1871, Bill, 235

**Kingston Penitentiary**

- Directors, services, 458
- Expenditure, 458

**Kirkpatrick, George Airey (C—Frontenac, Ontario)**

- Claims against Vessels recovery Bill, 351
- Dominion Notes Act (amdt.) Bill, 157
- Inland Marine and Fire Insurance Company of Canada Bill, 83, 319
- Insolvency Laws Repeal Bill, 69
- Ships and vessels, 57, 351
- Superior Bank of Canada Bill, 301, 444

**Knitting Machine and Loom, Patent Bill**

- Introduction, 83
- 2<sup>nd</sup> reading, 462
  - M (Chauveau), 481
    - Negatived on division, 481

**L****La Have River, County of Lunenburg**

- Port of entry, 105

**Lachine Canal**

- Basins, construction, 105
- Entrance, second, construction, 414

**Lake Michigan**

- Navigation, 101, 128

**Lake of the Woods**

- Boundary line, 41

**Lake Superior and Fort Garry Railway Bill**

- Introduction, 73
- 2<sup>nd</sup> reading, 482
- Committee, 482
- 3<sup>rd</sup> reading, passed, 482

**Lake Superior and Manitoba Railway Company**

- Senate, returned with amendments, concurrence, 511
- Royal Assent, 519

**Lake Superior and Winnipeg Railway Incorporation Bill**

- Introduction, 1<sup>st</sup> reading, 331
- 2<sup>nd</sup> reading, 482
- Committee, 482
- 3<sup>rd</sup> reading, passed, 482
- Royal Assent, 519

**Langevin, Hon. Hector-Louis (C—Dorchester, Québec; Minister of Public Works)**

- Acadian Iron Mines, 437
- Baie Verte Canal, 47, 412, 432-434, 483
- Beauharnois Canal, 100, 499
- Big Creek, 100
- Bridges Bill, 413, 464
- Canada-West Indies, 449
- Canadian Pacific Railway, 64, 113, 115, 160-161, 165-166
- Canadian Pacific Railway Bill, 354, 357
- Canals, 43, 47, 273, 432-437, 499
- Census, 287
- Collingwood Harbour, 274, 498
- Committee of Supply, 437-438, 447-450, 458
- Customs, 103
- Divorce Bill (Senate), 411
- Education, 298
- European and North American Railway, 438, 498
- Fraser River, British Columbia, 42
- Grenville Canal, 315
- Harbours, 273-274, 290, 348, 414, 498
- Intercolonial Railway, 40, 43, 65-66, 74, 140, 284, 295-296, 431, 437
- Island of Orleans, 106
- Lachine Canal, 105
- Lévis Board of Trade Bill, 390
- Lighthouses, 140
- Miramichi Bridge, papers tabled, 83
- North Shore Railway, 437
- Nova Scotia, 439
- Pacific Railway, 54, 505

**Langevin, Hon. Hector-Louis (C—Dorchester...—Cont.)**

Port Colborne, 291  
 Porter's Lake Canal, 274  
 Port Maitland, 291  
 Post Offices, 63  
 Public Works, 33  
 Public Works of Canada doubts removal Bill, 449  
 Railway, 42-43  
 Rivers, 102, 140, 169  
 Sault Ste. Marie Canal, 494  
 Shippegan Gully, 439  
 St. Clair Flats Canal, 169  
 St. Francis and Mégantic Railway Bill, 319  
 St. Lawrence canals, 432-434  
 St. Peter's Canal, 42, 63  
 Streams and Rivers Navigation Protection Bill, 333-334  
 Superannuation Fund, 113  
 Sydenham River, 102, 140, 169  
 Thames River, 102, 140, 169  
 Welland Canal, 291, 331, 432-434, 438, 498, 509  
 West Indies, 290  
 Wharves, 100, 296  
 Windsor and Annapolis Railway, 439  
 Windsor and Halifax Railway, 99

**Langlois, Jean (C—Montmorency, Québec)**

Insolvency Laws Repeal Bill, 69, 280  
 Island of Orleans, 106

**Lapum, James N. (C—Addington, Ontario)**

Mud Lake, 297

**Larceny of Stamps Bill**

Introduction, 37  
 2<sup>nd</sup> reading, 49-50  
 3<sup>rd</sup> reading, 58  
 Senate, passed with certain amds., 115  
     1<sup>st</sup> reading, 115  
     2<sup>nd</sup> reading, 285  
 Royal Assent, 517

**Lawson, Peter (L—Norfolk South, Ontario)**

Big Creek, 100  
 Bureau of Immigration, 102  
 Hamilton and Port Dover Road, 415  
 Stamp Act, 367

**Legislation**

Bills, introduction, 44-45

**Le Vesconte, Hon., Isaac (C—Richmond, Nova Scotia)**

St. Peter's Canal, 42

**Lévis**

Ordnance properties, disposal, 106

**Lévis Board of Trade Bill**

Introduction and 1<sup>st</sup> reading, 153  
 2<sup>nd</sup> reading, 390  
 Committee, report, 390  
 3<sup>rd</sup> reading, passed, 390  
 Royal Assent, 518

**Library of Parliament**

Select Committee, M. (Macdonald, Sir John A.), 31  
 Senate, message, 40

**Lighthouses**

Annapolis Gut, Nova Scotia, 19  
 Coal oil  
     Tenders, 1870-1872, copies, M. (Oliver), 291  
     Return (Tupper), 367  
 Gabarus Harbour, Cape Breton, 63  
 Port Lewis, Lake St. Francis, 140  
 Richelieu River, 73

**Liquors, intoxicating**

Introduction to North-West Territory, correspondence (M. Smith, Donald A.), 332-323  
 Adopted, 333

**Little, William Carruthers (L-C—Simcoe South, Ontario)**

Canals, 500  
 Representation in the Commons Readjustment Bill, 478

**Loan and Landed Credit Bank Bill**

Introduction, 273  
 2<sup>nd</sup> reading, 444  
 Committee, 444  
 3<sup>rd</sup> reading, passed, 444  
 Royal Assent, 518

**Lord Lisgar**

See Governor General

**Lumber**

Booms, placement to detain lumber on navigable rivers, 288  
 Cullers, 466  
 Tariff of fees, information requested M. (McDougall), 331  
 Return presented, 469  
 Export difficulties, 100-101  
 Duty, United States, 122  
 Adopted, 332

**Lynch, James S. (L—Marquette, Manitoba)**

Manitoba election, High Bluff, Marquette, petition, referral to  
 Committee, 53  
 Report of Privileges and Elections Committee, 63

**M****Macdonald, Donald Alexander, (L—Glengarry, Ontario)**

Canadian Pacific Railway, 312  
 Coteau and Province Line Railway and Bridge Company Bill, 153, 444  
 Insolvency Laws Repeal Bill, 280

**Macdonald, Hon. Sir John Alexander, K.C. B. (C—Kingston, Ontario; Prime Minister, Minister of Justice and Attorney General)**

Abduction, 495  
 Address in Reply, 2-3  
 Agricultural industry, 56-57  
 Agriculture Department, 306  
 Ballot Bill, 441  
 Boards of Trade, 64  
 Bossé, Judge, 41, 153, 347, 483  
 British Columbia, 498



**Macdonald, Hon. Sir John Alexander—Cont.**

Canada-United States, 498  
 Canadian Pacific Railway, 306  
 Canadian Pacific Railway Bill, 166, 354-355, 360-361, 385, 395-396, 398, 401  
 Canals, 499  
 Committee of Supply, 446-447, 458  
 Controverted Elections Bill, 337  
 Court of Appeal, 31  
 Criminal Statistics Collection Bill, 352  
 Dangerous Weapons Carrying Law Extension Bill, 439-440  
 Debt, 43  
 Dominion Board of Arbitrators, 493-494  
 Dual Representation bill, 341, 350, 415-417, 420-422  
 Education, 75-76, 299, 321, 371, 384-385  
 Elections, 18, 294  
 Export duty, 53  
 Fenian Raids, 17, 101, 149-151  
 Fisheries, 30, 44, 47, 63, 217, 274  
 Foreigners, naturalization, 290  
 Fraudulent Marking of Merchandise (amdt.) Bill, 97, 285, 365, 387  
 General Election Bill, 324  
 Geological Survey of Canada, 29, 36, 47  
 Geological Survey of Canada Bill, 97, 307  
 Governor General, 488-489  
 Half-breeds, 275, 315  
 Halifax, port, 353  
 Harbours, 497  
 Houlton Branch Railway Company Shareholders Bill, 339, 343, 346-347, 454, 482  
 House of Commons, 154, 339, 353, 381, 504, 512-513  
 Indian lands, 503  
 Industries, 274  
 Independence of the Senate Bill, 326-327  
 Insolvency Laws Repeal Bill, 44, 280-281  
 Intercolonial Railway, 281  
 Interim Parliamentary Elections Bill, 487, 507-508, 514  
 Inverness County Polling Lists Bill, 439  
 Judges, 41-42, 275, 277-278, 387, 408-409  
 Judges' Travelling Allowances Bill, 500  
 Justices of the Peace Duties Amendment Bill, 483-484  
 Knitting Machine and Loom, Patent Bill, 462, 481  
 Lake of the Woods, 41  
 Larceny of Stamps Bill, 37, 49, 50  
 Legislation, 45  
 Library of Parliament, 31  
 Macdonald, Hon. John Sandfield, 413  
 Mail services, 494  
 Malicious Injuries to Property (amdt.) Bill, 50  
 Manitoba, 15, 17, 19, 33, 73, 274-275, 291, 315, 367, 505, 515  
 Municipalities, 54  
 Muskoka district, 449  
 New Brunswick, 75-76, 299, 321, 371, 384-385, 466  
 Nova Scotia, 275  
 Offences against the Person (amdt.) Act, 506  
 O'Neil, detective, City of Ottawa, 73  
 Ontario, 41, 486, 517

**Macdonald, Hon. Sir John Alexander—Cont.**

Parliament, 469, 506  
 Parliamentary Representation Bill, 353  
 Post offices, 153  
 Prince of Wales, His Royal Highness, 3, 19, 31  
 Public Lands of the Dominion Bill, 462, 508, 514  
 Public Officers Security Bill, 37  
 Queen's Counsel, 316-317  
 Receivers General, 305  
 Redistribution of seats, 154  
 Representation in the Commons Readjustment Bill, 385-387, 401-403, 405, 464, 469, 484-486  
 Returning Officers for the next Elections Bill, 442-443  
 Rivers, 290  
 Rivers and Streams Navigation Protection Bill, 352  
 San Juan, 186-187  
 Schooner "C.H. Horton", papers tabled, 83  
 Seamen, 412  
 Senate, 78-79  
 Shipping offices, 353  
 Ships and vessels, 57, 351  
 Statistics, vital, 427-428  
 Statutes of Canada Act (amdt.) Bill, 286  
 Stolen Goods Advertisements Law Amendment Bill, 440-441, 506  
 St. Clair Flats Canal, 294-295  
 Supply Bill, 514  
 Thunder Bay, 42  
 Trades (The) Unions Act, 1872, 154, 500-501  
 Treaty of Washington, 18, 19, 33-34, 44, 45, 54, 100, 197, 272, 459  
 Treaty of Washington, 1871, Bill, 83, 115-138, 160, 169, 183, 195-201, 232, 235, 249, 252, 263, 266, 274-275, 301  
 Welland Canal, 509  
 Wesleyan Methodist Church Missionary Society Bill, 390-391

**Macdonald, Hon. John Sandfield (L—Cornwall, Ontario)**

Death, tributes, 413-414  
 Geological Survey of Canada, 36

**MacFarlane, Robert (L—Perth South, Ontario)**

Private Bills, 83  
 Standing Orders Committee, 83

**Machias Seal Island**

Steam fog whistle, 53

**Mackenzie, Hon. Alexander (L—Lambton, Ontario)**

Address in Reply to Governor General's Speech, 3, 7-9  
 Agriculture Committee, 505  
 Agriculture Department, 305-307  
 "Alabama claims", 145  
 Archives, Canadian, 498  
 Baie Verte Canal, 437  
 Beauharnois Canal, 499  
 Bossé, Judge, 347  
 British Columbia, 498  
 Canada-United Kingdom, 90-91  
 Canada-United States, 498  
 Canadian Pacific Railway, 64, 160, 165, 309-314  
 Canadian Pacific Railway Bill, 113, 160-162, 165, 355-356, 359-364, 388-389, 393-394, 396-398

## COMMONS DEBATES INDEX — 1872

**Mackenzie, Hon. Alexander (L—Lambton...—Cont.)**

Canals, 434-437, 499  
 Census, 428  
 Committee of Supply, 437-438, 445, 447, 455-458, 465-467  
 Controverted Elections Bill, 337-378  
 Criminal Statistics Collection Bill, 352  
 Custom duties, 302-304  
 Dangerous Weapons Carrying Law Extension Bill, 439-440  
 Dominion Board of Arbitrators, 493-494  
 Dominion police, supply item, 305  
 Dual Representation Bill, 418, 422  
 Education, 385  
 Electoral districts, 481  
 Emigrants to Canada, 431  
 Estimates, 385  
 Fenian Raids, 16, 30, 73, 144-145, 151  
 Finance Department, 305  
 Financial statement, 90-92, 96  
 Fisheries, 44, 466  
 Geological Survey of Canada, 29, 34-36  
 Geological Survey of Canada Bill, 97  
 Governor General, 489-490  
 Harbours, 497-498  
 Halifax Banking Company Bill, 278  
 Houlton Branch Railway Company Shareholders Bill, 343-346, 454  
 House of Commons, 139, 154, 339, 504, 512-513, 515  
 Immigration Act of 1869 (amt ) Bill, 186  
 Independence of the Senate Bill, 327  
 Indian Commissioners, 498  
 Indian lands, 503  
 Insolvency Laws Repeal Bill, 44, 69, 280-282  
 Intercolonial Railway, 42, 66, 323, 492-493  
 Interim Parliamentary Elections Bill, 507-508  
 Inverness County Polling Lists Bill, 439  
 Johnson, Hon. Mr. Justice F. G., Lieutenant-Governor of Manitoba, 109, 273  
 Justice, administration, 307  
 Justice Department, 305  
 Knitting Machine and Loom, Patent Bill, 83, 462-463, 481  
 Larceny of Stamps Bill, 50  
 Liquors, intoxicating, 333  
 Macdonald, Hon. John Sandfield, 413  
 Manitoba, 3, 15, 17, 33, 515  
 Military roads, 438  
 Militia and Defence Department, 305, 453, 455-456  
 New Brunswick, 466  
 Nova Scotia, 498  
 Offences against the Person (amdt.) Act, 506  
 Ontario, 495  
 Pacific Railway, 64, 113, 514  
 Patents of Invention Act (amdt.) Bill, 286, 459, 461  
 Police, dominion, 307  
 Preferential Creditors Bill, 105  
 Prince of Wales, His Royal Highness, 3, 31  
 Public Buildings, 438, 466-467, 492  
 Public Lands of the Dominion Bill, 462

**Mackenzie, Hon. Alexander (L—Lambton...—Cont.)**

Quarantine, 429  
 Queen's Counsel, 316  
 Receivers General, 305  
 Red River Road, 438  
 Red River Rebellion, 99  
 Redistribution of seats, 154  
 Representation in the Commons Readjustment Bill, 385, 464, 469-471, 476, 479-480  
 Returning Officers for the next Elections Bill, 443  
 Rivers, 102  
 San Juan, 187  
 Sault Ste. Marie Canal, 494  
 Senate, 79, 82  
 Ships and vessels, 351  
 Speakers' decisions, 503  
 St. Clair Flats Canal, 17, 83, 294-295  
 St. Lawrence River, 437, 465  
 Statistics, vital, 427  
 Superannuation Fund, 104, 112-113, 350  
 Supply Bill, 509, 514  
 Tea and coffee duties, 185, 302, 490-491  
 Telegraph wire, 512  
 Trades (The) Unions Act, 1872, 154, 501  
 Treasury Board, 305  
 Treaty of Washington, 2-3, 33-34, 44, 54, 101, 455  
 Treaty of Washington, 1871, Bill, 83, 134-138, 195-196, 199, 201, 249, 251-252, 260-266  
 Trinity House, 465  
 United States, 21  
 Welland Canal, 292, 498, 509

**Madden, Emigration Agent**

Ireland, appointment, 73

**Magill, Charles (L—Hamilton, Ontario)**

Bank of Hamilton Bill, 278  
 Canals, expansion, 28  
 Insolvency Laws Repeal Bill, 68, 111  
 Intercolonial Railway, 67  
 Manufacturing, Special Select Committee, 19, 24, 507  
 Mutual Life Association of Canada Company Bill, 83, 290  
 Representation in the Commons Readjustment Bill, 405-406, 473-474  
 Treaty of Washington, 1871, Bill, 215

**Mail Printing and Publishing Company Bill**

Introduction and 1st reading, 41  
 2<sup>nd</sup> reading, 278  
 Committee, passed, 278  
 3<sup>rd</sup> reading, passed, 278  
 Royal Assent, 518

**Mail service**

Daily between certain places in Joliette, petitions, M., 101  
 Subsidies, vessels, detailed statement, M., 494

**Malignant Injuries to Property (amdt.) Bill**

2<sup>nd</sup> reading, 50  
 Royal Assent, 517



**Manitoba**

- Census, decennial, 273, 504
- Correspondence, Lieutenant Governor Archibald/Dominion
  - Government, resignation, M. (Mackenzie), 17
- Crown Lands, M. (Mackenzie), 15-16
- Elections, controverted, Marquette, 3, 33
- Petition of James S. Lynch, 53
  - Privileges and Elections Committee Reports, 63, 273, 285
  - Elections, controverted, Selkirk, 18, 33
- Electors, 291, 367
- Enumeration, M. (Schultz), withdrawn, 515
- Expedition, expenses, 19, 159
- Fort Garry
  - Land, Indian camp ground, ownership, 313
  - Militiamen, 1, 5, 315
- Half-breeds, enumeration, 273
  - Distribution, M. (Schultz), withdrawn, 515
- Immigration, Lieutenant-Governor, conduct, 9
- Justice, administration, supply item, 305
- Land grants to half-breeds, 73, 315
- Laws, copy requested, M. (Mills), 291
- Lieutenant-Governor, Hon. Mr. Justice F. G. Johnson
  - Appointment, acting, 19
  - Resolution, (Holton), 106-109
- Military force, M. (Schultz), withdrawn, 515
- Murders, compensation to family of the late Elzear Goulet, 272
- Rebellion, claims for losses, statement (Hincks, Sir Francis), 41
  - Returns relation to, 449
- Supreme Court, constitution, 367
- See also* Public Lands of the Dominion Bill

**Manitoba Bank Bill**

- Introduction, 215
- 2<sup>nd</sup> reading, passed, 443
- Committee, 443
- 3<sup>rd</sup> reading, passed, 443
- Royal Assent, 518

**Manitoba Expeditionary Force Guarantee Bill**

- Introduction, 159
- 2<sup>nd</sup> reading, passed, 286
- 3<sup>rd</sup> reading, passed, 286
- Royal Assent, 518

**Manitoba Insurance Company Bill**

- Introduction, 217
- 2<sup>nd</sup> reading, 463
- Committee, passed, 463
- 3<sup>rd</sup> reading, passed, 463
- Royal Assent, 519

**Manitoba Junction Railway Co. Bill**

- Introduction, 1<sup>st</sup> reading, 115
- 2<sup>nd</sup> reading, 482
- Committee, 482
- 3<sup>rd</sup> reading, passed, 482
- Senate, returned with amendments, concurrence, 511
- Royal Assent, 519

**Manitoba North-Western Railway Company Bill**

- Introduction, 83

**Manitoba North-Western Railway Company Bill—Cont.**

- 2<sup>nd</sup> reading, 482
- Committee, 482
- 3<sup>rd</sup> reading, passed, 482
- Senate, returned with amendments, concurrence, 511
- Royal Assent, 519

**Manufacturing**

- Special Select Committee, M. (Magill), 19-20, 24
- Amendment, M. (Jones), 21-24
- Report, adoption, 507

**Marine and Fire Insurance Company of Canada Incorporation Bill**

- See* Inland Marine and Fire Insurance Company of Canada Bill

**Marine and Fisheries Department**

- Report, 63

**Marine Bank of the Dominion of Canada Bill**

- See* Maritime Bank of the Dominion of Canada Bill

**Marine Hospital**

- Construction, Sydney, Cape Breton, 63

**Maritime Bank of the Dominion of Canada Bill**

- Introduction and 1<sup>st</sup> reading, 153
- Senate, amendments, 414
- 2<sup>nd</sup> reading, 414
- 3<sup>rd</sup> reading, 414
- Royal Assent, 518

**Martin, John Robert**

- See* Divorce Bill

**Masson, Louis-François-Rodrigue (C—Terrebonne, Québec)**

- Address in Reply, 12
- Committee of Supply, 447
- Education, 298
- Fisheries, 28
- Patent Law, amendment, 27-28
- Public Lands of the Dominion Bill, 462
- Schultz, John, 333
- Trades (The) Unions Act, 1872, 501

**Masson, Luc-Hyacinthe (C—Soulanges, Québec)**

- Beauharnois Canal, 100, 436, 499
- Dual Representation Bill, 332
- Fenian Raids, 144
- Fort Coteau du Lac, 482-483
- House of Commons, 139, 154
- Insolvency Laws Repeal Bill, 280
- Intercolonial Railway, 140
- Larceny of Stamps Bill, 50
- Lighthouses, 140
- Schultz, John, 333
- Treaty of Washington, 139

**Masters of vessels**

- Exam for masters and mates of vessels in inland waters, 273

**McCallum, Lachlan (C—Monck, Ontario)**

- Canals, 291-292, 436-437
- Harbours, 291
- Port Colborne harbour, 436

**McCallum, Lachlan (C—Monck...—Cont.)**

Representation in the Commons Readjustment Bill, 472  
 Treaty of Washington, 1871, Bill, 268  
 Welland Canal, 291-292, 436-437

**McConkey, Thomas David (L—Simcoe North, Ontario)**

Canals, construction, amendment, 499  
 Collingwood harbour, 274  
 Representation in the Commons Readjustment Bill, 478

**McDonald, Angus Peter (C—Middlesex West, Ontario)**

Canadian Pacific Railway, 312  
 Canadian Pacific Railway Bill, 360  
 Intercolonial Railway, 322  
 Treaty of Washington, 1871, Bill, 267

**McDonald, Edmund Mortimer (L—Lunenburg, Nova Scotia)**

Halifax, port, 105  
 Harbours, 274  
 House of Commons, 504  
 Intercolonial Railway, 296  
 La Have River, County of Lunenburg, 105  
 Treaty of Washington, 1871, Bill, 249-250

**McDonald, Hugh (L—Antigonish, Nova Scotia)**

Insolvency Laws Repeal Bill, 69

**McDougall, John Lorn (L—Renfrew South, Ontario)**

Canadian Pacific Railway, 64, 311  
 Canadian Pacific Railway Bill, 163  
 Custom duties, 302  
 Dominion Board of Arbitrators, 40  
 Lumber, 331  
 Ottawa Canal, 293  
 Welland Canal, 293

**McDougall, Hon. William, C.B. (C—Lanark North, Ontario)**

Address in Reply, 12  
 "Alabama claims", 145  
 Canadian Pacific Railway Bill, 163-164, 355-356, 361-364, 392  
 Committee of Supply, 446  
 Dual Representation Bill, 420  
 Education, 373-374  
 Fenian Raids, 143-144  
 Geological Survey of Canada, 34-35  
 Governor General, 490  
 House of Commons, 503-504, 512-513  
 Insolvency Laws Repeal Bill, 281  
 Intercolonial Railway, 29, 68  
 Johnson, Hon. Mr. Justice F. G. Lieutenant-Governor of  
 Manitoba (appointment), 108  
 Knitting Machine and Loom, Patent Bill, 462, 481  
 Lynch, James S., petition, 53  
 New Brunswick, 373-374  
 Ontario, 517  
 Patents of Invention Act (amdt.) Bill, 459-460  
 Public Lands of the Dominion Bill, 462  
 Roads, 462  
 Senate, 81  
 Stolen Goods Advertisements Law Amendment Bill, 440  
 Telegraph wire, 512

**McDougall, Hon. William, C.B. (C—Lanark North...—Cont.)**

Trade, 93  
 Treaty of Washington, 105  
 Treaty of Washington, 1871, Bill, 175-181  
 Welland Canal, 509-510

**McKay, Angus C. (C—Marquette, Manitoba)**

Election results, 63  
 Petition, M. (Cameron, Hon. John Hillyard), 273  
 Retired from House, 199

**McKeagney, Hon. James Charles (L-C—Cape Breton, Nova Scotia)**

Banks and banking, 42  
 Education, 377  
 Lighthouses, 63  
 Madden, Emigration Agent, 73  
 Marine Hospital, 63  
 New Brunswick, 377  
 St. Peter's Canal, 63

**Members of Parliament**

Bribery or corrupt practices, 2  
 Dual Representation Bill, 47  
 Election or returns, questionable, 2  
 Introduction to House  
 Carter (Brome), 2  
 Cumberland (Algoma), 5  
 De Cosmos (Victoria), 2  
 Dugas (Montcalm), 15  
 Houghton (Yale), 2  
 Nathan (Victoria), 2  
 Nelson (New Westminster), 2  
 Pope (Compton), 2  
 Thompson (Cariboo), 2  
 Wallace (Vancouver Island), 2

**Merritt, Thomas Rodman (L—Lincoln, Ontario)**

Canals, 436  
 Insolvency Laws Repeal Bill, 280  
 Meteorological observatories, reports, 28, 296  
 St. Catherine's Board of Trade Bill, 73, 290  
 Trade, 101  
 Treaty of Washington, 1871, 268  
 Welland canal, 292-293, 436

**Metcalfe, James (L—York East, Ontario)**

Government departments, 43  
 Grenville Canal, 64  
 Justice Department, 43

**Meteorological observatories, reports**

Correspondence, M. (Jones, Alfred), 296  
 Carried, 297  
 Return presented, 505  
 Supply item, 307

**Military property**

St. John, New Brunswick, 483

**Military roads**

Expenditure, 438



**Militia and defence**

- Enrolment, expenses
- Policy, 453-458
- Reduction, M., rejected on division, 494-495
- Rifle Associations, appropriations, 458
- Volunteers, annual drill, timing, payment, 140, 455-458

**Militia and Defence Department**

- Adjutant-General's report, compliant, 457
- Gunboat rescue, allocation, 458
- Increase, supply item, 305

**Militia Department**

- Fenian Raids, 142
- Report, 33

**Mills, David (L—Bothwell, Ontario)**

- Agricultural industry, 55
- Canadian Pacific Railway Bill, 388-389, 407
- Committee of Supply, 447
- Custom duties, 304
- Dual Representation Bill, 334, 340, 350, 416, 424
- Emigrants to Canada, 430
- Fenian Raids, 147
- General Election Bill, 324
- Geological Survey of Canada, 29, 35, 37
- Houlton Branch Railway Company Shareholders Bill, 344, 347
- Immigration Law amendment Bill, 287
- Independence of the Senate Bill, 328
- Johnson, Hon. Mr. Justice F. G. Lieutenant-Governor of Manitoba (appointment), 109
- Judges, 109, 409
- Knitting Machine and Loom, Patent Bill, 481
- Manitoba, 291
- Meteorological observatories, reports, 296, 307
- Naturalization of Anson Green Phelps Dodge Bill, 278
- Ontario, 483
- Patents of Invention Act (amdt.) Bill, 286
- Public Lands of the Dominion Bill, 462
- Representation in the Commons Readjustment Bill, 474
- Rivers, 102, 140
- Rivers and Streams Navigation Protection Bill, 351-352
- Senate, 77-78, 81-82
- St. Clair Flats Canal, 295
- Sydenham River, 102, 140
- Thames River, 102, 140
- Treaty of Washington, 1871, Bill, 177, 183, 187-189, 195
- Wesleyan Methodist Church Missionary Society Bill, 390-391

**Miramichi Bridge**

- Papers tabled, 83

**Montreal Harbour**

- Work stoppage, 414-415

**Montreal Telegraph Company Powers Extension Bill**

- 2<sup>nd</sup> reading M. (Holton), 173
- Committee, 443
- Amendments, 443
- Report, 443
- 3<sup>rd</sup> reading, passed, 443
- Royal Assent, 519

**Montreal, Vaudreuil and Ottawa Railway Companies Bill**

- See* Ottawa, Vaudreuil and Montreal Railway Bill

**Morris, Hon. Alexander (C—Lanark South, Ontario; Minister of Inland Revenue)**

- Civil servants, 99
- Committee of Supply, 466-467
- Customs, 467
- Customs and Excise extension to British Columbia Bill, 466
- Financial statement, 94
- Inland Revenue Department, 54
- Insolvency Laws Repeal Bill, 60
- Larceny of Stamps Bill, 50, 58
- Lumber, 332, 466, 469
- Presbyterian Managers of Widows and Orphans Fund incorporation Bill, 278
- Printing, 289
- Public Lands of the Dominion Bill, 461-462, 515
- Sewing machines, 297
- Superannuation Fund, 112
- Treaty of Washington, 93-94
- Treaty of Washington, 1871, Bill, 266-267
- Weights and Measures, Regulation Bill, 42, 73

**Morrison, Angus (C—Niagara, Ontario)**

- Detroit River Railway Bridge Company Bill, 47, 444
- Huron and Niagara Ship Canal, 47
- Imperial Guarantee & Loan Society Bill, 115
- Inter-oceanic Railway Company of Canada Bill, 83
- Lake Superior and Fort Garry Railway Bill, 73, 482
- Naturalization of Anson Green Phelps Dodge Bill, 289
- Ontario and Erie Ship Canal Company Bill, 482
- Pacific Junction Bridge Company Bill, 482
- Queenston Suspension Bridge Company Bill, 217, 482
- Sault St. Mary Railway and Bridge Bill, 285, 482
- St. Clair Railway Bridge and Tunnel Bill, 47, 444
- St. Francis and Mégantic Railway Act Amendment Bill, 482

**Mud Lake**

- Dam, correspondence requested, M. (Lapum), 297

**Municipalities**

- Fund, amount taken by Reiffenstein, 367
- Powers, increased, 54

**Munroe, John H. (C—Elgin West, Ontario)**

- Agriculture Committee, 505

**Muskoka district**

- Parliamentary representation, petition, 449

**Mutual Life Association Company of Canada Bill**

- Introduction, 83
- 2<sup>nd</sup> reading, 290
- Committee, 290
- 3<sup>rd</sup> reading, passed, 290
- Royal Assent, 518

## N

**Nathan, Henry Jr. (L—Victoria, British Columbia)**

- Address in Reply, 5
- Lake Superior and Winnipeg Railway Incorporation Bill, 482
- Reference, introduction to House, 2

**National Party (Parti national)**

Policy, 96

**Naturalization of Anson Green Phelps Dodge Bill**

2<sup>nd</sup> reading, 189

M. (Harrison), 278

Committee, 289

3<sup>rd</sup> reading, passed, 289

Royal Assent, 517

**Navigable Streams and Rivers better Protection Bill**

*See* Streams and Rivers Navigation Protection Bill

**Navigation**

Treaties, 126-129, 135, 170, 172-173, 182, 188, 194, 200, 208, 221, 223-227, 238, 240-242, 248, 257, 262-263, 267-268, 294-295

**Nelson, Hugh (L-C—New Westminster, British Columbia)**

Canadian Pacific Railway Bill, 356

Reference, introduction to House, 2

**New Brunswick**

Harbours, 290, 347

Judges, 387

School law

Acts, 1858, 1871, 297-299, 318-321, 367-385

M. (Renaud), 74-77, 29

M. (Costigan), 297-299, 318-319, 367-372, 383

M. (Chauveau), 320, 371-372, 376, 382

Lost on division, 378

M. (Gray), 318-320

M. (Colby), 369-371, 373, 375, 378-379, 382

Carried on division, 383

M. (Dorion), 384

Lost on division, 384

M. (Mackenzie), 385

Adjournment M. (Gray), 299

Resolution, preparation, 495

Subsidy, increased payment, 140

**Newfoundland**

Correspondence with Imperial government relative to Treaty of Washington, 73

**Niagara River, railway bridge and tunnel**

Construction, petition, 153

**Niagara Forwarding and Shipping company Bill**

*See* Ontario Shipping and Forwarding Company Bill

**North Shore Railway**

Expenditure, estimates, 437

**North-West Trading Company Incorporation Bill**

Introduction, 1<sup>st</sup> reading, 331

3<sup>rd</sup> reading, passed, 454

Fee to be refunded, M. (O'Connor), 511

**North West Territory**

Justice, administration, supply item, 307

Liquors, intoxicating, 332-333

Trade with Indian population by American citizens, 315

*See also* Public Lands of the Dominion Bill

**North Western Railway of Manitoba Bill**

*See* Manitoba North-western Railway Company Bill

**Northern Extension Railways Company Lease Bill**

2<sup>nd</sup> reading, 279

Committee, 279

Passed, 279

3<sup>rd</sup> reading, 279

Royal Assent, 518

**Northumberland and Durham Savings Bank**

Assets, surplus, 37, 47

**Notre Dame des Anges from Missisquoi Detachment Bill**

2<sup>nd</sup> reading M. (Bécharde), 352

M. (Baker), carried, 352

**Nova Scotia**

Buildings, award of arbitrators, 498

Correspondence with Imperial government relative to Treaty of Washington, 73

Court of Equity, judge, leave of absence, 275

Education, 320, 368-369, 372-373

Electoral lists, revisors, remuneration, 275

Intercolonial Railway, 321-322

Public works, 439

Statistics, vital, collection, 427

Subsidy, increased payment, 140, 368, 381

**Nova Scotia Electric Telegraph Company**

Petition referred to Railways, Canada and Telegraphs, Standing Committee, 101

**Nova Scotia Voters List Revisal Bill**

Introduction, 1<sup>st</sup> reading, 315

2<sup>nd</sup> reading, 445

Committee, passed, 445

3<sup>rd</sup> reading, passed, 445

Royal Assent, 518

**O****Observatories**

*See* Meteorological observatories

**O'Connor, John (C—Essex, Ontario)**

Agricultural industry, 55

Dangerous Weapons Carrying Law Extension Bill, 439

North-West Trading Company Bill, 331, 511

Queen's Counsel, 315-317

Treaty of Washington, 1871, Bill, 216, 217-219

**Offences against the Person (amdt.) Act**

2<sup>nd</sup> reading, 506

Order discharged, 506

**Oliver, Thomas (L—Oxford North, Ontario)**

Coins and coinage, 44

Committee of Supply, 457, 465

Emigrants to Canada, 431

Exports and imports, 100

Fishery overseers, 466

Insolvency Laws Repeal Bill, 51

Lighthouses, 291

Militia and defence, 457

Representation in the Commons Readjustment Bill, 473, 481

Skinner, Col., charges against, 43

Treaty of Washington, 1871, 215-216



**O'Neil, detective, City of Ottawa**

Government employee, 73

**Ontario**

Boundary

Correspondence, M. (Mills), carried, 483

North-west

Information requested, 139

M. (Jones), 30

Quebec, negotiations, 517

Western, 41

Debts, return submitted, 139

Judges, 276-277

Legislature, explanation of a note from Hon. Mr. Blake, 495-496

**Ontario and Erie Ship Canal Company Bill**

2<sup>nd</sup> reading, 482

Committee, 482

3<sup>rd</sup> reading, passed, 482

Royal Assent, 519

**Ontario and Huron Ship Canal**

Petition, 53

**Ontario Shipping and Forwarding Company Bill**

Introduction, 1<sup>st</sup> reading, 185

2<sup>nd</sup> reading, 443

Committee, 443

3<sup>rd</sup> reading, passed, 443

Senate, amendment, concurrence, carried, 492

Royal Assent, 519

**Ottawa Canal**

Construction, 293, 436

**Ottawa River**

Logs, floated without rafts, Quebec Board of Trade, petition, 105

Streams and Rivers Navigation Protection Bill, 333-334

**Ottawa, Vaudreuil and Montreal Railway Bill**

Introduction, 169

3<sup>rd</sup> reading, passed, 454

Royal Assent, 519

**P****Pacific Junction Bridge Company Bill**

2<sup>nd</sup> reading, 482

Committee, 482

3<sup>rd</sup> reading, passed, 482

Royal Assent, 520

**Pacific Railway**

Construction, 6, 514

Costs, 89, 93

Extension to Victoria, 54

Letter from Sir Hugh Allan, reference, 165-166

Resolutions, 47

Survey

Instructions, correspondence, M. (McDougall, J. L.), 64

Report of the Exploratory Survey of the Canadian Pacific

Railway, 64, 113, 115, 160, 164-165, 505

Tenders or proposals for construction, M. (Mackenzie), withdrawn, 16-17

*See also* Canadian Pacific Railway Bill

**Pâquet, Anselme-Homère (L—Berthier, Québec)**

Loan and Landed Credit Bank Bill, 273, 444

**Parliament**

Census, decennial, readjustment of representation, 2

"Dancing Parliament", 104

Meeting, Imperial Government, 1

Correspondence, M. (Blake), 44

Members of House and Senate, mileage paid, M. (Bodwell), 318

Prorogation, 469, 506, 517-521

Sessional Papers for members of local parliaments, 482

*See also* House of Commons

Senate

**Parliamentary Representation Bill**

Notice, 353

**Paspébiac Harbour**

Correspondence, M. carried, 102

**Patents of Invention Act (amdt.) Bill**

Committee, resolution M. (Pope), 154-155

Introduction and 1<sup>st</sup> reading, 155

Reference, 28, 83

2<sup>nd</sup> reading, 286

Committee, 286

Passed, with amendments, 286

3<sup>rd</sup> reading, M. (Pope), 459

Amendments

M. (Chauveau), 459

Lost on division, 460

M. (Chauveau), 460

Lost on division, 460

3<sup>rd</sup> reading, passed, 461

Royal Assent, 519

**Pelletier, Charles-Alphonse-Pantaléon (L—Kamouraska, Québec)**

Customs, 102

St. Lawrence River, 53

**Pensions**

Officers pensioned, M. (Hutchison), 43-44

**Petitions**

Extension of time M. (MacFarlane), 83

**Pickard, John (Ind-Lib—York, New Brunswick)**

Central Bank of New Brunswick Bill, 469, 490

Education, 77

Emigrants to Canada, 430-431

New Brunswick, 77

**Pilots**

New Brunswick, resolution, M. (Tilley), 285

Committee, resolution, carried, 365

St. Lawrence, correspondence M. (Fortin), 483

Presented, 517

*See also* Pilots, Commissioners in Charlotte Bill

**Pilots, Commissioners in Charlotte Bill**

Introduction (Tilley), 365

3<sup>rd</sup> reading, passed, 461

Royal Assent, 519

**Ploughs**

Number entered at Port of Galt, M. (Ross, James), 74

**Police, dominion**

Supply item, 307

**Pope, Hon. John Henry (C—Compton, Québec; Minister of Agriculture)**

Agriculture, 99

Agriculture Department, 306

Archives, Canadian, 290, 498

Census, 43, 428

Colonization Emigration Committee, 105

Committee of Supply, 447

Emigration agents, employees, 428-429

Emigrants to Canada, 431

Emigrants to United States, 100

Immigration Aid Societies Incorporation Act (amdt.) Bill (Senate), 461

Immigration Law amendment Bill, 115, 186, 286-287, 390, 408

Insolvency Laws Repeal Bill, 281

Madden, Emigration Agent, 73

Patents of Invention Act (amdt.) Bill, 83, 154-155, 286, 459

Public health, 430

Quarantine, 429

Quarantine Bill, 390, 408

Reference, introduction to House, 2

Representation in the Commons Readjustment Bill, 486

Statistics, vital, 427

**Port Colborne, Lake Erie**

Canal route, 291, 437

Tenders for Excavation of harbour, 291

**Port Elgin, Lake Huron**

Harbour, 348

**Port Inverhuron, Lake Huron**

Harbour, 348

**Port Lewis, Lake St. Francis**

Lighthouse, 140

**Porter's Lake Canal**

Surveys, report, 274

**Port Maitland, Lake Erie**

Canal route, 291

**Ports of the Dominion**

Adjusters, appointment, order discharged, 507

**Post Office Department**

Supply item, 305

**Post Offices**

Halifax, money abstracted from letters, M. (Hutchison), 44

Return tabled, 153

Quebec

Heating apparatus, tenders, M. (Robitaille), 297

Land purchase, 63

**Postal services**

Money Order System, 64

Rates of postage on newspapers, 63

**Power, Patrick (Ind-L—Halifax, Nova Scotia)**

Representation in the Commons Readjustment Bill, 476

Treaty of Washington, 1871, Bill, 212-215

**Pozer, Christian Henry (L—Beauce, Québec)**

Intercolonial Railway, 140

**Preferential Creditors Bill**

Introduction, 105

**Presbyterian Managers of Widows and Orphans Fund incorporation Bill**

2<sup>nd</sup> reading, 189

Committee, 278

Passed, 278

3<sup>rd</sup> reading, passed, 278

Royal Assent, 517

**Presque Isle**

Selling or leasing of wood, 100

**Prince Arthur Landing**

Wharf, construction, 42

**Prince of Wales, His Royal Highness**

Recovery from illness, public thanksgiving, 1, 3, 5

Governor General's receipt of message, 427

Joint Address with the Senate, 19

Concurrence, 40

M. (Macdonald, Sir John A.), 31

**Printing**

Accounts paid for confidential M. (Young), 29

Return, amounts paid for confidential printing and binding, 289

**Printing, Joint Committee**

Creation, M. (Brousseau), 31

Report, lacking, 459

Senate, message, 40

**Private Bills**

Extension of time for receiving, M. (MacFarlane), 83

Fee of J.E. Archer, remittance, M. (Chauveau), carried, 505

**Privileges and Elections Committee**

Manitoba

Double election return M. (Macdonald, Sir John A.), 3, 33

Reports, 63, 283

Petitions dismissed, 273

M. (Cameron, Hon. John Hillyard), 273

Return of Donald A. Smith, M. (Macdonald, Sir John A.), 33

**Privy Council**

Members indemnified from expenditures of the Expeditionary

Force, resolution, Committee of the Whole, 97

**Promissory Notes**

*See* Bills of Exchange and Promissory Notes Bill

**Provinces**

Subsidies provided by statute, 467

**Public Accounts**

Tabling, 15

**Public Accounts, Select Standing Committee**

First Report, 41

Quorum, 41

Report on Dr. Schultz, claim for losses, 482

Sixth Report, tabled with recommendation, 367



**Public Buildings**

Custom houses, expenditures, policy, 438, 466, 492-493

**Public Debt and the raising of Loans authorized by Parliament Bill**

Introduction and 1<sup>st</sup> reading, 49

Loans, raising, 40

2<sup>nd</sup> reading, 97

Committee, 285

Passed, 285

3<sup>rd</sup> reading, 301

Royal Assent, 517

**Public health**

Precautionary measures, expenses, 430

**Public Lands of the Dominion Bill**

2<sup>nd</sup> reading, 461-462

Committee, 462, 508

Amendments, concurrence, 508

3<sup>rd</sup> reading, passed, 514

Committee, amendments, passed, 3<sup>rd</sup> reading, passed, 515

Royal Assent, 520

**Public Officers Security Bill**

Introduction, M. (Macdonald, Sir John A.), 37

Royal Assent, 517

**Public servants**

*See* Civil servants

**Public Service Officers Bonds Bill**

*See* Public Officers Security Bill

**Public Works**

Estimates, expenditures, 84, 86-87

Report, 33

**Public Works of Canada doubts removal Bill**

Introduction, 449

1<sup>st</sup> reading, 449

Committee, 465

2<sup>nd</sup> reading, 465

3<sup>rd</sup> reading, passed, 465

Royal Assent, 519

**Q****Quarantine**

Expenses, St. John, N.B., 429-430

**Quarantine Bill (Senate)**

1<sup>st</sup> reading, 351

2<sup>nd</sup> reading, 390

Committee, 408

3<sup>rd</sup> reading, passed, 408

Royal Assent, 518

**Quebec**

Annexation of St. Columban parish for electoral purposes, petition, M. (Fournier), 411

Boundary with Ontario, negotiations, 517

Debts, return submitted, 139

Judges, 275-276

Port, Quebec City, 412

Property, imperial, transfer to the Dominion, 514-515

**Quebec Board of Trade**

Ottawa River, logs, petition, 105

Repeal of Insolvency Act, petition, 73

**Quebec Frontier Railway Company Bill**

2<sup>nd</sup> Reading, 279

Carried, 276

Committee, 279

Passed, 279

3<sup>rd</sup> reading, 279

Royal Assent, 518

**Quebec Pacific Railroad Company Bill**

Introduction, 53

Passed, 454

Amendments, concurrence, carried, 509

Royal Assent, 519

**Quebec Railway Co.**

Petition presented (Scriver), 47

**Queen's Counsel**

Appointment, correspondence M. (O'Connor), 315-317

Withdrawn, 317

**Queenston Suspension Bridge Company Bill**

Introduction, 217

2<sup>nd</sup> reading, 482

Committee, 482

3<sup>rd</sup> reading, passed, 482

Royal Assent, 519

**R****Railway**

Accident, 25

Connecting Ottawa, and Montreal, petition, 99

Gauge, 43, 64-68

Map for Railway Committee Room, 500

New Brunswick, additional railway stock, 42

Pacific Ocean preliminary survey, 1

**Railway Committee**

Report, recommendation, 500

**Receipts and expenditures**

Statement submitted for March 1871 to March 1872, 53

**Receivers General**

Assistant, offices, supply item, 304

**Reciprocity Treaty (1854)**

Bill, Parliamentary procedure, 115-116, 121

Expiration, 116-117, 188, 193, 259, 262

**Red River Rebellion**

Losses and claims

Baxter, Thomas, claim, 415

Hudson's Bay Company, 367

Instructions for Judge F.G. Johnson regarding claims M. (Schultz), withdrawn, 505

Petition, 99

Statement of claims, M. (Drew), 415

Carried, 415

**Red River Road**

Expenditure, 438

**Redistribution of seats**

Bill, proposed introduction, question, 139, 154

*See also* Representation in the Commons Readjustment Bill

**Renaud, Auguste (L—Kent, New Brunswick)**

Education, 74, 294

Harbours, 288

**Representation in the Commons Readjustment Bill**

Introduction, 387, 401

Printing, 385

1<sup>st</sup> reading, 401-406

2<sup>nd</sup> reading, 464

Committee, 464

Report

Concurrence, 469-480

Amendment, M. (Mackenzie), 471

Discussion, 472-473

Lost on division, 474

Amendment, M. (Mills), 474

Lost on division, 474-475

Amendment, M. (Thompson), 475

Lost on division, 475

Amendment, M. (Power), 476

Lost on division, 476

Amendment, M. (Cameron, Malcolm Colin), 477

Lost on division, 477

Amendment, M. (Carmichael), 477-478

Lost on division, 478

Amendment, M. (McConkey), 478

Lost on division, 478

Amendment, M. (Dorion), 479

Lost on division, 479

Amendment, M. (Mackenzie), 479-480

Lost on division, 480

3<sup>rd</sup> reading, 484

Petition, 484

M. (Workman), 484

Discussion, 484-487

Lost on division, 487

Passed, 488

Royal Assent, 519

**Returning Officers for the next Elections Bill**

Introduction, 1<sup>st</sup> reading, 185

2<sup>nd</sup> reading, 442-445

Carried on division, 444-445

**Revenue inspectors**

*See* Inland Revenue Department

**Richelieu River**

Navigation aids, 73

**Richibucto**

Breakwater at entrance of harbour, 290

**Rivers**

Navigation

**Rivers—Cont.**

Booms, placement to contain lumber, 290

Thames and Sydenham

Improvement, 140

M. for papers, 102

Papers tabled, 169

**Rivers and Streams Law Amendment Bill**

Royal Assent, 518

**Rivers and Streams Navigation Protection Bill**

Introduction, 53

2<sup>nd</sup> reading M. (Stephenson), 351

Carried, 352

Committee, passed, 352

3<sup>rd</sup> reading, passed, 352

Royal Assent, 518

**Roads**

Expenditures for repairs, carried on division, 447

*See also* Military roads

**Robitaille, Théodore (C—Bonaventure, Québec)**

Canadian Pacific Railway Bill, 359

Paspébiac Harbour, 102

Post Offices, 297

Treaty of Washington, 1871, Bill, 267, 274

**Ross, James (L—Wellington Centre, Ontario)**

Ploughs, 74

Representation in the Commons Readjustment Bill, 403

**Ross, John Sylvester (C—Dundas, Ontario)**

Canals, 436

Custom duties, 293

Dual Representation bill, 340

House of Commons, 513

Insolvency Laws Repeal Bill, 61

Treaty of Washington, 1871, Bill, 269

Welland Canal, 436

**Ross, Walter (L—Prince Edward, Ontario)**

Committee of Supply, 456

Fenian Raids M. (Cartwright), 140, 142

Insolvency Laws Repeal Bill, 281

Militia and Defence, 456

**Ross, William (L—Victoria, Nova Scotia)**

Committee of Supply, 457

Dual Representation Bill, 422

Militia and Defence, 457

Nova Scotia Voters List Revisal Bill, 315, 445

Senate, 78

Treaty of Washington, 1871, Bill, 216

**Ryan, Michael Patrick (C—Montréal-Ouest, Québec)**

Baie Verte Canal, 436

Canada Improvement Company Bill, 331

Canals, 436

Dominion Notes Act (amdt.) Bill, 39

Education, 378

Emigration agents, employees, 429

Imperial Copyright Act, 63



**Ryan, Michael Patrick (C—Montréal-Ouest...—Cont.)**

- Insolvency Laws Repeal Bill, 60, 70
- Lachine canal, 105
- Lumber, 332
- Meteorological observatories, reports, 307
- New Brunswick, 378
- Representation in the Commons Readjustment Bill, 485
- St. Lawrence River, 465
- Trinity House, 465

**Ryland, G.H.**

- Correspondence requested M. (Workman), 414

**Rymal, Joseph (L—Wentworth South, Ontario)**

- Controverted elections Bill, 338
- Insolvency Laws Repeal Bill, 283
- Representation in the Commons Readjustment Bill, 472
- Treaty of Washington, 1871, Bill, 181

## S

**St. John Board of Trade Bill**

- Introduction, 1<sup>st</sup> reading, 331
- 2<sup>nd</sup> reading, 444
- Committee, 444
- 3<sup>rd</sup> reading, passed, 444
- Royal Assent, 518

**St. John Savings Bank**

- Assets, surplus, 37-38, 47

**Saint Ours Lock**

- Employees, remuneration, 439

**Salt**

- Export to United States, duty free, 122-123
- Inspection, 28

**San Juan**

- Boundary question, 130, 139, 186-187

**Sarnia**

- Indian Reserve, correspondence M. (Stephenson), 295

**Sault Ste. Marie Canal**

- Construction, survey, 494

**Sault St. Mary Railway and Bridge Bill**

- Introduction, 285
- 2<sup>nd</sup> reading, 482
- Committee, 482
- 3<sup>rd</sup> reading, passed, 482
- Royal Assent, 519

**Savary, Alfred William (Anti-Con—Digby, Nova Scotia)**

- Bell buoy, 19
- Dual Representation Bill, 340
- Electoral lists, revisors, 275
- Insolvency Laws Repeal Bill, 110, 282
- Judges, 275
- Larceny of Stamps Bill, 49
- Lighthouses, 19
- Nova Scotia, 275
- Trider, Albert, 25
- Windsor and Annapolis Railway, 25

**Savings Bank Act Amendment Bill**

- See Government Savings Bank Act (amdt.) Bill

**Scatcherd, Thomas (L—Middlesex North, Ontario)**

- Canadian Pacific Railway, 312
- Harbours, 497
- Insolvency Laws Repeal Bill, 60
- Justices of the Peace Duties Amendment Bill, 483
- Patents of Invention Act (amdt.) Bill, 459
- Treaty of Washington, 1871, Bill, 251

**Schooner "C.H. Horton"**

- Abduction, alleged, M. (Gray), 28, 43
- Papers tabled, 83

**Schultz, John Christian (C—Lisgar, Manitoba)**

- Claims, M. (Delorme), 333
- Committee of Supply, 447
- Half-breeds, 275, 515
- Imprisonment, 333
- Johnson, Hon. Mr. Justice F. G., 452
- Manitoba, 275, 315, 515
- Manitoba North-western Railway Bill, 482
- Meteorological observatories, reports, 296
- Public Accounts Committee, report, 482
- Red River Rebellion, 505
- Treaty of Washington, 1871, Bill, 269

**Scriver, Julius (L—Huntingdon, Québec)**

- Insolvency Laws Repeal Bill, 68
- Patents of Invention Act (amdt.) Bill, 460
- Quebec Frontier Railway Company Bill, 279
- Quebec Railway Co., 47
- Representation in the Commons Readjustment Bill, 486
- Ships and vessels, 291

**Seamen**

- Correspondence, M. (Bolton), 295
- Crimping, Quebec, 412
- Desertion to Canada, petition, 99
- See also Shipping offices

**Secret service money**

- Public Accounts, Select Standing Committee, report, recommendation, 367

**Senate**

- Senators, nominations, appointments M. (Mills), 77-82
- Withdrawn, 81-82
- See also Independence of the Senate Bill

**Sewing machines**

- Imports from United States, number M. (Stirton), 297

**Shanly, Walter (C—Grenville South, Ontario)**

- Bernard, Major, of Douglastown, 99
- Canadian Pacific Railway Bill, 165, 354-355
- Canals, 435, 499
- Caughnawaga Ship Canal Act (amdt.) Bill, 47, 278
- Gananoque and Bristol Navigation Company Bill, 315
- Intercolonial Railway, 66, 322
- Manitoba Junction Railway Co. Bill, 482
- Ottawa, Vaudreuil and Montreal Railway Bill, 169
- Railway, 99

**Shanly, Walter (C—Grenville South...—Cont.)**

- Seamen, 99
- St. Lawrence and Ottawa Railway amendment Bill, 444
- St. Lawrence International Bridge Company, 83

**Shippegan Gully**

- Correspondence, M. (Anglin), 317
- Return presented, 439

**Shipping offices**

- Nova Scotia, M., 353
  - Carried, 353
  - Committee, resolution, adopted, 389
- See also* Shipping of Seamen in Nova Scotia Bill

**Shipping of Seamen in Nova Scotia Bill**

- Introduction, 389
- 1<sup>st</sup> reading, 389
- 2<sup>nd</sup> reading, 461
- 3<sup>rd</sup> reading, passed, 461
- Royal Assent, 519

**Ships and vessels**

- Anticosti Island, wrecks, schooners to protect property, charges, 465
- Collection of demands
  - Committee of the Whole, 57-58
    - M. (Kirkpatrick), 351
  - Reported resolution as amended, 351
- Information, return of names, tonnage, ownership, M. (Scriver), 291
- Tonnage duties, Port of Collingwood, M. (Tilley), carried, 469
  - See also* Claims against Vessels recovery Bill
- Schooner "C.H. Horton"

**Simard, Georges-Honoré (C—Québec-Centre, Québec)**

- Interim Parliamentary Elections Bill, 507
- Lumber, 331-332
- Printing, Joint Committee, 459
- Seamen, 412
- Trinity House, 465

**Skinner, Col.**

- Charges against, 43

**Smith, Hon. Albert James (L—Westmorland, New Brunswick)**

- Education, 320, 367-369, 385
- Emigrants to Canada, 430
- Export duty, 53
- Houlton Branch Railway Company Shareholders Bill, 344, 346-347
- Insolvency Laws Repeal Bill, 61
- Intercolonial Railway, 296
- Manitoba Insurance Company Bill, 215
- New Brunswick, 320, 367-369, 385
- Ships and shipping, 58
- Treaty of Washington, 106, 274-275
- Treaty of Washington, 1871, Bill, 247-248

**Smith, Donald Alexander (Ind-C—Selkirk, Manitoba)**

- Bank of Manitoba Bill, 443
- Judges, 409
- Liquors, intoxicating, 332-333
- Manitoba Insurance Company Bill, 217, 463
- North West Territory, 315

**Smith, Donald Alexander (Ind-C—Selkirk...—Cont.)**

- Schultz, John, 333
- Telegraph wire, 511-512
- Treaty of Washington, 1871, Bill, 268

**Snider, George (L—Grey North, Ontario)**

- Representation in the Commons Readjustment Bill, 406

**Sorel**

- Land claims of Messrs. Lemoine, M. (Barthe), carried, 503

**Sorel Board of Trade Bill**

- Introduction, 1<sup>st</sup> reading, 185
- 2<sup>nd</sup> reading, M., 390
- Committee, report, 390
- 3<sup>rd</sup> reading, 390
- Royal Assent, 518

**Speaker of the House of Commons (Hon. James Cockburn)**

- Canadian Pacific Railway Bill, 360, 392, 401
- Canals, construction, amendment (McConkey), ruled out of order, 500
- Custom duties, 291
- Dual Representation Bill, 416, 422, 424
- Governor General's message concerning recovery of the Prince of Wales, 427
- Insolvency Laws Repeal Bill, rulings, 110-111, 280
- Knitting Machine and Loom, Patent Bill, point of order, 481
- Ontario, 496
- Ontario and Huron Ship Canal, petition cannot be received, 53
- Printing, Joint Committee, ruling, 459
- Queen's Counsel, appointments, extracts cited, ruling, 316
- Representation in the Commons Readjustment Bill, 481
- Senate, messages
  - Library of Parliament, committee, 40
  - Prince of Wales, His Royal Highness, 40
  - Printing, Joint Committee, 40
- Superannuation Fund, resolution
  - Amendment, ruling, 350
  - Consideration, 112
- Throne Speech, read to House, 1
- Treaty of Washington, 1871, Bill, 195

**Speakers' decisions**

- Printing of decisions and precedents from 1841 to present, 503

**Sproat, Alexander (C—Bruce North, Ontario)**

- Committee of Supply, 456-457
- Harbours, 348
- Militia and Defence, 456-457
- Representation in the Commons Readjustment Bill, 472-473

**St. Catherine's Board of Trade Bill**

- M. (Merritt), 73
- Referral to Private Bills Committee, 73
- 2<sup>nd</sup> reading, 290
- Committee, 290
- 3<sup>rd</sup> reading, passed, 290
- Royal Assent, 518

**St. Clair Flats Canal**

- Location, 129-130, 194
  - M. for Papers (Mackenzie), carried, 17



**St. Clair Flats Canal—*Cont.***

Papers not yet brought down, 83

Papers tabled, 169

Seizure by U.S. custom officials of Mr. Little's steam tug and barge,  
M. (Stephenson), 294-295

**St. Clair Railway Bridge and Tunnel Bill**

Introduction, 47

2<sup>nd</sup> reading, 444

Committee, 444

3<sup>rd</sup> reading, passed, 444

Royal Assent, 518

**St. Felix Parish, detachment from County of Portneuf (amdt.)  
Act**

M., 105

**St. Francis and Mégantic Railway Act Amendment Bill**

1<sup>st</sup> reading, 319

M. (Baker), 334

2<sup>nd</sup> reading, 482

Committee, 482

3<sup>rd</sup> reading, passed, 482

Royal Assent, 519

**St. Lawrence and Ottawa Railway Amendment Bill**

2<sup>nd</sup> reading, 444

Committee, 444

3<sup>rd</sup> reading, passed, 444

Royal Assent, 519

**St. Lawrence Bank Bill**

Senate amendments, 414

3<sup>rd</sup> reading, passed, 414

Royal Assent, 518

*See also* Bank of Canada Bill

**St. Lawrence Canal**

Enlargement, proposal, 434-437

**St. Lawrence International Bridge Company Bill**

Introduction, 83

Royal Assent, 518

**St. Lawrence Navigation between Montreal and Quebec  
Improvement Bill**

Introduction, 465

2<sup>nd</sup> reading, Committee, 3<sup>rd</sup> reading, passed, 500

Royal Assent, 520

**St. Lawrence River**

Improvement, expenditure, tax, levy, 437

Committee of the whole House, M., 445, 465

Navigation, free to citizens of United States, Treaty of

Washington, 126-129, 136, 170, 172-173, 182, 188, 194, 200, 208, 218,  
223-224, 227, 238, 240-241, 248, 251, 256, 261-263, 267

Shipping disasters, 53

South shore, ice, rescues, rewards, 53

Tug service between Montreal and Kingston, rates, expenditure, 458

**St. Ours Lock**

Correspondence, 439

**St. Peter's Canal**

Enlargement, 42, 63

**Stamp Act**

Petition, presentation, 367

**Stamps, Larceny Bill**

*See* Larceny of Stamps Bill

**Standing Orders, Committee**

Report, 83

First presented, 47

**Statistics, vital**

Collection, 306, 427-428

**Statutes of Canada Act (amdt.) Bill (Senate)**

Introduction, Senate, 105

2<sup>nd</sup> reading, 286

Committee, 286

Passed, 286

Royal Assent, 517

**Stephenson, Rufus (C—Kent, Ontario)**

Agricultural industry, 56

Chatham Board of Trade incorporation Bill, 289, 444

Committee of Supply, 458, 466

Fire engines, steam, 103

Indian reserves, 295

Inland Revenue Department, 54

Postal services, 63

Rivers, 102

Rivers and Streams Navigation Protection Bill, 53, 351

St. Clair Flats Canal, 294-295

Thames River, 466

Treaty of Washington, 1871, Bill, 269

Wimbledon, 458

**Stirton, David (L—Wellington South, Ontario)**

Census, 43

Committee of Supply, 438

Fort Garry, 43

Intercolonial Railway, 291

Public Buildings, 438

Representation in the Commons Readjustment Bill, 405

Sewing machines, 297

**Stolen Goods Advertisements Law Amendment Bill**

2<sup>nd</sup> reading, 440-441, 506

Committee, adoption, 3<sup>rd</sup> reading, passed, 506

Royal Assent, 520

**Streams and Rivers Navigation Protection Bill**

2<sup>nd</sup> reading, M. (Cartwright), 333

M. (Currier), 333

Amendment, withdrawn, 334

Order discharged, 334

**Street, Thomas Clark (C—Welland, Ontario)**

Address in Reply, 12

Agricultural industry, 55

British America Assurance Act (amdt.) Bill, 289

Canals, 436

Controverted elections bill, 339

Dominion Notes Act (amdt.) Bill, 157

Fenian Raids, 147

**Street, Thomas Clark (C—Welland...—Cont.)**

- Intercolonial Railway, 67
- Justices of the Peace Duties Amendment Bill, 483-484
- Larceny of Stamps Bill, 49
- Mail Printing and Publishing Company Bill, 41
- Ships and vessels, 57, 351
- Treaty of Washington, 1871, Bill, 251-259
- Welland Canal, 291-292, 436, 498, 509

**Subsidies**

- Increased payment to Nova Scotia and New Brunswick, 140

**Superannuation Act**

- New Brunswick, application, 64

**Superannuation Fund**

- Committee of the Whole
  - Resolution, M. (Joly) discussion, 103, 112, 349-350
    - Amendment (Jackson), 350
    - Carried on division, 350
- Use, M., 103-104, 112

**Superior Bank of Canada Bill**

- Introduction, 301
- 2<sup>nd</sup> reading, 444
- Committee, 444
- 3<sup>rd</sup> reading, passed, 444
- Royal Assent, 519

**Supplies to Her Majesty Bill**

- See* Supply Bill

**Supply Bill**

- Introduction, (Hincks, Sir Francis), 1<sup>st</sup> reading, 500
- 2<sup>nd</sup> reading, 509
- 3<sup>rd</sup> reading, passed, 514

**Supply Committee**

- See* Committee of Supply

**Supreme Court**

- Establishing, 277

**Supreme Court Bill**

- Reference, 9

**Sydenham, river**

- Improvement, 140
  - M. (Mills) for papers, 102
- Papers tabled, 169

**T****Tariff changes**

- Repealed, tea and coffee, 153

**Taxation**

- Reduction, 85

**Tea and coffee duties**

- Repeal
  - Committee of the Whole
    - M. (Hincks, Sir Francis), 185
  - Reconsideration, 441
  - Resolution, M. (Hincks, Sir Francis), 490
    - Discussion, 490-492

**Tea and coffee duties —Cont.**

- Carried, 492
- Report, 492
- Concurrence, 492

**Tea and Coffee Duties Repeal Bill**

- Introduction, 304
- 2<sup>nd</sup> reading, 304
  - M. (Hincks, Sir Francis), 365
- 3<sup>rd</sup> reading, passed, 365
- Royal Assent, 517

**Tea and Coffee Importation through United States Bill**

- Introduction, 492
- 2<sup>nd</sup> reading, committee 3<sup>rd</sup> reading, passed, 508
- Royal Assent, 520

**Telegraph wire**

- Cost, charged by Hudson's Bay Company to Canadian Government, 511-512
- Quebec North shore, 28

**Thames, river**

- Improvement, 140
  - M. for papers (Mills), 102
- Papers tabled, 169
- Neglect, 466

**Thompson, David (L—Haldimand, Ontario)**

- Committee of Supply, 457-458
- Franking privileges, 139, 289
- Hamilton and Port Dover Road, Correspondence, M., 415
- House of Commons, 199
- Intercolonial Railway, 431
- Militia and Defence, 457-458
- Representation in the Commons Readjustment Bill, 475
- Welland Canal, 292

**Thompson, Joshua Spencer (L-C—Cariboo, British Columbia)**

- Canadian Pacific Railway Bill, 397
- Geological Survey of Canada, 36-37
- Municipalities, 367
- Postal services, 64
- Reference, introduction to House, 2
- Treaty of Washington, 1871, Bill, 268

**Throne Speech**

- Closing of the 5<sup>th</sup> Session of the 1<sup>st</sup> Parliament, June 14, 1872, 520-521
- Consideration M. (Hincks, Sir Francis), 33
- Read to House, 1-2
  - See also* Address in Reply

**Thunder Bay**

- Police force, 42

**Thunder Bay Silver Mines Bank Bill**

- Introduction M. (Gray), 73

**Thunder Bay Silver Mines Railway Company Bill**

- 2<sup>nd</sup> reading, 482
- Committee, 482
- 3<sup>rd</sup> reading, passed, 482
- Royal Assent, 519



**Thunder Bay Silver Mines Telegraph Company Bill**

- 2<sup>nd</sup> reading, 279
- Committee, passed, 279
- 3<sup>rd</sup> reading, passed, 279
- Royal Assent, 518

**Tilley, Hon. Samuel Leonard, C.B. (C—St. John, New Brunswick; Minister of Customs)**

- Bank of St. John incorporation Bill, 153, 319-320
- Canadian Pacific Railway Bill, 362-363
- Civil Service Act (amdt.) Bill, 286
- Collingwood Port Harbour Dues Bill, 506
- Committee of Supply, 438, 466-467
- Customs, 102, 412
- Customs and Excise extension to British Columbia Bill, 506
- Custom duties, 29, 348
- Dual Representation Bill, 420
- Expenditures, 96-97
- Exports and imports, 101
- Fire engines, steam, 103
- Fish, 43
- Hamel Frères, Quebec, 102, 153
- Houlton Branch Railway Company Shareholders Bill, 344-345
- Island Pond, 153
- La Have River, County of Lunenburg, 105
- Maritime Bank of the Dominion of Canada Bill, 153
- Pilots, 285, 361
- Pilots, Commissioners in Charlotte Bill, 365, 461
- Ploughs, 74
- Public Buildings, 438, 466-467
- Quarantine, 429
- Representation in the Commons Readjustment Bill, 406
- Returning Officers for the next Elections Bill, 444
- Saint John Board of Trade Bill, 331, 444
- Ships and vessels, 469
- Superannuation Fund, 113
- Tea and coffee duties, 491-492
- Treaty of Washington, 1871, Bill, 258-260

**Toronto Board of Trade**

- Abolition of stamps on promissory note, petition, 73
- Repeal of Insolvency Act, petition 3, 73, 185

**Toronto Corn Exchange**

- Trade, petition, 99

**Toronto Corn Exchange Association Incorporation Bill**

- 2<sup>nd</sup> reading M., 390
  - Carried, 390
- Committee, report, 390
- 3<sup>rd</sup> reading, passed, 414
- Royal Assent, 519

**Toronto Savings Bank Bill**

- Introduction, 1<sup>st</sup> reading, 199
- 2<sup>nd</sup> reading, 290
- Committee, 290
- 3<sup>rd</sup> reading, passed, 290
- Royal Assent, 518

**Tourangeau, Adolphe Guillet dit (C—Québec-Est, Québec)**

- Lumber, 332
- Quebec, 514-515

**Trade**

- Canada-United States, 53-54, 90, 92, 100-101, 432-436
- Canada-West Indies, M. (Gray), 318
  - Correspondence, 449
- Treaty of Washington, 1871, 194, goods, 227-235, 248
  - Bonding system, 115, 129, 256, 263
  - Franking system, 194
  - Transshipment, 115, 129

**Trades (The) Unions Act, 1872**

- Introduction, M. (Macdonald, Sir John A.), 1<sup>st</sup> reading, 154
- 2<sup>nd</sup> reading, 500
- Committee of the Whole, passed, 501
- 3<sup>rd</sup> reading, passed, 501
- Request that bill be withdrawn (Masson), 501
- Royal Assent, 520

**Treasury Board**

- Supply item, 305

**Treaty of Washington, 1871**

- Commissioner of the Joint High Commission, Hon. Sir John A. Macdonald, role, 116, 119-120, 133-134, 178, 182, 187-189, 193, 198, 200, 202-204, 212, 219-225, 230-231, 238, 243-245, 247-249, 251, 251-255, 269
- Comparison with Reciprocity Treaty of 1854, 123, 176-177, 247, 267
- Correspondence, information, papers 1, 5-6, 18, 19, 33-34, 44, 54, 92, 197
- Financial terms, 87-95, 106, 194, 210-211, 214-215, 236, 260, 274-275
- Fisheries, fishermen, 73, 87, 100, 169-172, 176-178, 181-182, 202-216, 220, 245, 256-257, 264
- Legislatures, provincial, counties, positions, 244, 250-251, 257, 261, 263-265, 267, 269, 514
- Pamphlets, 105, 139
- Reaction, House of Lords, information, 459
- Signing, 8-9, 94, 228

**Treaty of Washington, 1871, Bill**

- Introduction, M. (Macdonald, Sir John A.), 83, 115-134
- Withdrawn, 83
- 1<sup>st</sup> reading, 133, 134, 137-138
- M. (Blake), 137-138
- 2<sup>nd</sup> reading
  - M. (Macdonald, Sir John A.), 169
- Carried on recorded division, 271
- Referral to Committee, 271
- Debate, 169-269
  - Amdt. (Blake), 175
- Negated on recorded division, 270
- Amdt. (Bodwell), 199-200, 212
  - Negated on recorded division, 269
- Adjournment M. (Mills), 183
- Adjournment M. (Bodwell), 196
- Adjournment M. (O'Connor), 216
- Adjournment M. (Holton, Hon. Luther), 235
- Adjournment M. (Anglin), 251
- Division, discussion, 249, 251-252
- Coming into force, 274

**Treaty of Washington, 1871, Bill—*Cont.***

Committee, 301  
 3<sup>rd</sup> reading, 301  
 Royal Assent, 518

**Tremblay, Pierre Alexis (L—Chicoutimi-Saguenay, Québec)**

Ballot Bill, 441  
 Elections, 73  
 Telegraph wire, Quebec North shore, 28

**Trider, Albert**

Death by accident, M. (Savary), for reports 25

**Trinity House, Quebec**

Salaries and contingencies, Montreal, Quebec, 465

**Tupper, Hon. Charles, C.B. (C—Cumberland, Nova Scotia; President of the Privy Council)**

Agriculture Department, 306-307  
 British Columbia, 489  
 British Columbia Navigation Laws Extension Bill, 489, 506  
 Committee of Supply, 445-446, 458, 465-466  
 Fenian Raids, 147-148  
 Fish, 41-42  
 Fishery overseers, 465  
 Franking privileges, 139, 289  
 Gulf of St. Lawrence, 42  
 Halifax, port, 105, 389  
 Halifax Harbour Master's Appointment Bill, 390, 461  
 Harbours, 347, 497  
 House of Commons, 512  
 Independence of the Senate Bill, 328-329  
 Indian Affairs, 505  
 Insolvency Laws Repeal Bill, 281  
 Intercolonial Railway, 296, 321-323  
 Island of Orleans, 106  
 Lighthouses, 19, 63, 367  
 Machias Seal Island, 53  
 Marine and Fisheries Department, 63  
 Marine Hospital, 63  
 Meteorological observatories, reports, 28, 296, 307, 505  
 Montreal Telegraph Company Powers Extension Bill, 443  
 Pilots, 517  
 Presque Isle, 100  
 Public buildings, 466  
 Receivers General, 305  
 Representation in the Commons Readjustment Bill, 476, 478  
 Richelieu River, 73  
 Senate, 80-81  
 Shipping of Seamen in Nova Scotia Bill, 389, 461  
 Shipping offices, 389  
 Ships and vessels, 466  
 St. Lawrence, 53  
 Thames River, 466  
 Treaty of Washington, 1871, Bill, 225-232, 261

**U****United Dominion Sugar Beet Root Growers and Manufacturers Company Bill**

Introduction and 1<sup>st</sup> reading, 237

**United States**

Criticism, 21  
 Tea, and coffee tariff, changes effect, 89-90, 153  
 Valuables transmitted by Post, 53  
*See also* Trade

**V****Vessels**

*See* Ships and vessels

**W****Wallace, Robert (C—Vancouver Island, British Columbia)**

British Columbia, 40  
 Canadian Pacific Railway Bill, 388  
 Education, 383  
 New Brunswick, 383  
 Reference, introduction to House, 2  
 Treaty of Washington, 1871, Bill, 215  
 Weights and Measures Bill, 73

**Walsh, Aquila (C—Norfolk North, Ontario)**

Intercolonial Railway, 29, 43, 67-68, 74, 492  
 Interim Parliamentary Elections Bill, 517

**War material**

Purchases from Imperial Government, M. (Blake), 415

**Washington Treaty**

*See* Treaty of Washington

**Ways and Means Committee**

Supplies to Her Majesty, resolution, adaptation, concurrence, 500

**Weights and Measures, Regulation Bill**

Government intention, 41-42, 73

**Welland Canal**

Enlargement, reports, M. (McCallum), 291-292  
 Proposal, 433-437  
 Reports presented, 331  
 Timber, tender, 498, 509  
 Water supply, temporary, expenditure, 438

**Welland Canal Bill**

2<sup>nd</sup> reading, 509

**Wesleyan Methodist Church Missionary Society Bill**

Introduction and 1<sup>st</sup> reading, 153  
 2<sup>nd</sup> reading, 390  
 Committee, 390, 414  
 Passed with amendments, 414  
 3<sup>rd</sup> reading, passed, 414  
 Royal Assent, 518

**West Indies**

Steamers subsidization by the Government, 290  
 Trade relations, Correspondence, M. (Gray), 318, 449

**Western Assurance Company Bill**

3<sup>rd</sup> reading, passed, 454  
 Royal Assent, 519

**Wharves**

St. Lawrence, below Quebec, loans, 100



**Wharves—*Cont.***

- Correspondence, M. (Fournier), 296
- Withdrawn, 296

**Whistle**

- Steam, fog, 53

**White, John (C—Hastings East, Ontario)**

- Dual Representation Bill, 418
- Indian lands, 503

**White, John (L—Halton, Ontario)**

- Lumber, 101
- Streams and Rivers Navigation Protection Bill, 334

**Whitehead, Joseph, (L—Huron North, Ontario)**

- Representation in the Commons Readjustment Bill, 477

**Widows' and Orphans' Fund**

- See* Presbyterian Managers of Widows and Orphans Fund incorporation Bill

**Willson, Crowell, (C—Middlesex East, Ontario)**

- Canadian Pacific Railway Bill, 356-357

**Wimbledon team**

- Charges against Col. Skinner, correspondence, M. (Oliver), 43

**Windsor and Annapolis Railway**

- Correspondence M for correspondence (Savary), 25
- Government assistance, 439

**Windsor and Halifax Railway**

- Accident, report, 99

**Wood, Hon. Edmund Burke (L—Brant South, Ontario)**

- Canadian Pacific Railway Bill, 356, 362-363, 395, 399, 406
- Committee of Supply, 446
- Custom Duties, 302-304
- Dominion Notes Act (amdt.) Bill, 39, 40
- Dominion Waterworks Company Bill, 289, 343
- Dual Representation Bill, 350, 416, 420
- Education, 385
- Emigrants to Canada, 430
- Geological Survey of Canada, 37
- Hamilton and Port Dover Road, 415
- Houlton Branch Railway Company Shareholders Bill, 340, 344, 346-347, 454
- Independence of the Senate Bill, 328
- Insolvency Laws Repeal Bill, 280
- Judges, 409
- New Brunswick, 385
- Patents of Invention Act (amdt.) Bill, 286
- Queen's Counsel, 317
- Ships and vessels, 351
- Statistics, vital, 427
- Stolen Goods Advertisements Law Amendment Bill, 440
- Superannuation Fund, 349
- Wesleyan Methodist Church Missionary Society Bill, 390

**Workman, Thomas (L—Montréal-Centre, Québec)**

- Anticosti Company Bill, 99, 443
- Baie Verte Canal, 435
- Canals, 435
- Committee of Supply, 466-467
- Custom duties, 302-304

**Workman, Thomas (L—Montréal-Centre...—*Cont.*)**

- Dominion Notes Act (amdt.) Bill, 39, 156
- Exchange Bank of Canada Bill, 58, 278
- Expenditures, 96
- Exports and imports, 101
- Geological Survey of Canada, 35
- Grand Trunk Railway Company, 483
- Harbours, 414, 497
- Insolvency Laws Repeal Bill, 59, 60, 111, 281
- Intercolonial Railway, 66-67, 322
- Interim Parliamentary Elections Bill, 508
- Judges, 42
- Lachine Canal, 415
- Larceny of Stamps Bill, 49
- Manufacturing, 20, 24
- Meteorological observatories, reports, 296
- Parliament, 482
- Public buildings, 466
- Receivers General, 302
- Representation in the Commons Readjustment Bill, 404, 464, 469, 484-487
- Ryland, G.H., 414
- Seamen, 412
- Ships and vessels, 466
- St. Lawrence canals, 435
- St. Lawrence River, 465
- Tea and coffee duties, 302-304, 491
- Treaty of Washington, 1871, Bill, 268
- Trinity House, 465
- Welland Canal, 293, 435

**Wright, Alonzo (C—Ottawa (Comté), Québec)**

- Canadian Pacific Railway Bill, 354, 360
- Canals, 499
- Committee of Supply, 466
- Education, 299
- Emigration agents, employees, 429
- Lumber, 466

**Wright, Amos (L—York West, Ontario)**

- Canadian Pacific Railway Bill, 389

**Y****Young, James (L—Waterloo South, Ontario)**

- Canadian Pacific Railway, 310, 313-314, 398
- Canadian Pacific Railway Bill, 360
- Dominion Notes Act (amdt.) Bill, 156
- Dual Representation Bill, 340
- Emigration agents, employees, 428
- Emigrants to Canada, 430
- European and American Telegraph Company, 73
- Expenditures, deficits, 95-96
- Foreigners, naturalization, 290
- Fortifications, 28
- Grand Trunk Railway and Town of Galt Bill, 115
- Hudson's Bay Company, 29, 217
- Insolvency Laws Repeal Bill, 61, 68-69
- Manufacturing, 28

COMMONS DEBATES INDEX — 1872

---

**Young, James** —Waterloo South...—*Cont.*)

Patents of Invention Act (amdt.) Bill, 286, 460

Post Office Department, 305

**Young, James (L—Waterloo South...—*Cont.*)**

Printing, 29

Treaty of Washington, 1871, Bill, 177, 181-182















